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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

- - - - -

Ohio A. Philip Randolph :  
Institute, et al., :

Plaintiffs, :  
:

vs. Case No. :  
1:18-cv-00357  
-TSB-KNM-MHW

Ryan Smith, Speaker of :  
the Ohio House of :  
Representatives, et al., :

Defendants. :  
:\*\* REVISED \*\*

CONFIDENTIAL DEPOSITION OF CONGRESSMAN WILLIAM JOHNSON

- - - - -

Taken at Baker & Hostetler  
200 Civic Center Drive  
Columbus, Ohio 43215  
December 19, 2018, 8:34 a.m.

Job No. 153105

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A P P E A R A N C E S

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Wednesday Morning Session

December 19, 2018, 8:34 a.m.

- - - - -

It is stipulated by counsel in attendance that the deposition of Congressman William Johnson, an Intervenor herein, called by the Plaintiffs for cross-examination, may be taken at this time by the notary pursuant to notice and agreement, that said deposition may be reduced to writing in stenotypy by the notary, whose note may thereafter be transcribed out of the presence of the witness; that proof of the official character and qualification of the notary is waived.

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1                   CONGRESSMAN WILLIAM JOHNSON,  
2       being first duly sworn, as hereinafter certified,  
3       deposes and says as follows:

4                   CROSS-EXAMINATION

5       BY MS. LEE:

6       Q.           Good morning, Congressman.

7       A.           Good morning.

8       Q.           I just introduced myself, but my name  
9       is Theresa Lee, and I'm an attorney for Plaintiffs  
10      in Ohio A. Philip Randolph v. Smith, a case in the  
11      Southern District in Ohio in which you've  
12      intervened.

13                  I'll ask the other counsel to please  
14      state their names for the record.

15                  MS. McKNIGHT: Good morning. Katherine  
16      McKnight, Baker Hostetler, on behalf of the  
17      Congressman.

18                  MS. PROUTY: Erika Dackin Prouty, Baker  
19      Hostetler, on behalf of the Congressman.

20                  MS. McKNIGHT: Ms. Riggins, would you  
21      like to announce your presence?

22                  MS. RIGGINS: Yes, please. I just  
23      wanted to make sure everyone had done because I  
24      can't see who's in the room. I'm Alyssa Riggins,  
25      Ogletree Deakins, representing the Legislative

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2 Defendants.

3 MS. LEE: Thank you.

4 Q. Congressman, could you please state  
5 your full name and address for the record.

6 A. Sure. William L. Johnson, and 519  
7 Fifth Street, Marietta, Ohio, 45750.

8 Q. And did you live at that same address  
9 in 2011?

10 A. Part of 2011.

11 Q. And at what other address did you live  
12 in 2011, if you recall?

13 A. I lived in Poland, Ohio, up until April  
14 of 2011.

15 Q. Okay. Thank you, Congressman. And  
16 you've just been sworn in. Do you understand that  
17 you're testifying here under oath today?

18 A. Yes.

19 Q. And do you understand that the oath  
20 you've sworn is the same as if you were testifying  
21 in a court of law?

22 A. Yes.

23 Q. Have you been deposed before?

24 A. No.

25 Q. Have you ever testified under oath not.



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2 at a deposition?

3 A. I don't recall. I did some things in  
4 the military that I think I was under oath for,  
5 but I don't really recall.

6 Q. Okay. That's fine. I'd like to just  
7 go over a few ground rules for today so we're all  
8 on the same page. Please make sure that you give  
9 a verbal response to each question. As you can  
10 see, we have a court reporter taking everything  
11 down --

12 A. Okay.

13 Q. -- and she cannot record nods of the  
14 head and the like. Do you understand that?

15 A. Yes.

16 Q. And to make the court reporter's life a  
17 bit easier and so we have a clear record, let's  
18 try and not speak over one another. Please wait  
19 until I finish a question even if you think you  
20 know where it's headed before giving your answer.  
21 Can you agree to that?

22 A. Yes.

23 Q. Great. And I will try to do the same  
24 and wait until you finish speaking before asking  
25 another question.

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2 If you do not hear what I have asked,  
3 please say so and I will repeat myself. If you do  
4 not understand a question or even some part of it,  
5 please say so and I will rephrase. Can you agree  
6 to that?

7 A. Yes.

8 Q. Wonderful. And if you answer, I will  
9 take that to mean you've understood the question  
10 I've asked. Can you agree with that?

11 A. Yes.

12 Q. Very good. If at any time you need a  
13 break, please say so. I'll just request that if I  
14 have asked a question, you please answer it and  
15 then we will take a break. Can you agree to that?

16 A. Yes.

17 Q. And if at any time you need to consult  
18 with your attorney concerning the disclosure of  
19 potentially privileged information, please state  
20 that is the reason you need to take a break and  
21 we'll allow for one to be taken for that  
22 consultation. Do you understand that?

23 A. Yes.

24 Q. Okay. Very good. And your attorney or  
25 attorneys for the Defendants might object at some

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2 point once I have asked a question. Even if they  
3 do object, you should still answer the question  
4 unless they have directed you not to. Do you  
5 understand that?

6 A. Yes.

7 Q. Okay. Is there anything that would  
8 prevent you from answering my questions honestly  
9 and completely today?

10 A. No.

11 Q. Thank you. And throughout this  
12 deposition, I may refer to the Ohio redistricting,  
13 the 2012 redistricting, the 2011 redistricting.  
14 Unless I specify otherwise, I am referring to the  
15 redistricting of Ohio's Congressional districts  
16 that took place in 2011. Do you understand that?

17 A. Yes.

18 Q. And if I refer to the map or to the  
19 Congressional map or to particular districts under  
20 that map, I'm referring to the current map that  
21 was put in place as a result of that 2011  
22 redistricting. Do you understand that?

23 A. Yes.

24 Q. Okay. Very good. Did you do anything  
25 to prepare for today's deposition?

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2 A. Other than speaking with counsel, no.

3 Q. Okay. And with whom did you meet to  
4 prepare for the deposition?

5 A. With Erika and -- I'm terrible with  
6 names.

7 Q. It's okay. Another counsel from Baker  
8 Hostetler?

9 A. Yes.

10 Q. Okay.

11 A. I'm embarrassed.

12 Q. It's quite all right.

13 A. I can't remember my name on most days.

14 Q. And besides counsel, was anyone else  
15 present?

16 A. No.

17 Q. Okay. Did you review any documents as  
18 part of your preparation?

19 A. Yes.

20 Q. And what documents were those?

21 MS. McKNIGHT: I'll object to that as  
22 exploring privileged information, and I'll direct  
23 the witness not to answer.

24 Q. Okay. Have you reviewed the complaint  
25 in this matter?

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2 A. No.

3 Q. Have you reviewed your motion to  
4 intervene?

5 A. I've seen it, but I haven't reviewed  
6 it.

7 Q. Okay. Did you review the request for  
8 production that was served on you through counsel  
9 at some point in this matter?

10 A. No.

11 MS. LEE: Okay. I'd like to mark as  
12 Exhibit 1 and ask the court reporter to please  
13 hand it to the witness.

14 - - - - -

15 Thereupon, Plaintiff's Exhibit 1 is  
16 marked for purposes of identification.

17 - - - - -

18 Q. Have you seen this document before?

19 A. I don't recall.

20 Q. Okay. Are you aware that Plaintiffs  
21 submitted requests for certain documents from you  
22 and your office in this matter?

23 A. Yes.

24 Q. Okay. And did you review the documents  
25 that were produced in response to these requests?

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2 A. I saw the documents. I did not review  
3 them in detail as they were produced.

4 Q. Okay. And do you know how your  
5 documents were collected?

6 A. Yes.

7 Q. And how is that?

8 A. In collaboration with counsel and a  
9 third-party vendor searching my e-mail.

10 Q. Okay. And did any members of your  
11 staff work on the document collection?

12 A. No.

13 Q. Okay. You first ran for political  
14 office in 2010; is that correct?

15 A. That's correct.

16 Q. And was your first elected office as a  
17 congressperson?

18 A. Yes.

19 Q. In each election that you won, have you  
20 done so as a Republican?

21 A. Yes.

22 Q. Do you communicate with the leadership  
23 of the Ohio Republican Party?

24 A. Yes.

25 Q. How regularly?

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2 A. I'd estimate less than five times a  
3 year.

4 Q. Okay. And at the time of the  
5 redistricting in 2010 or 2011, did you ever  
6 communicate with the leadership of the Ohio  
7 Republican Party?

8 A. Would you ask that again, please.

9 Q. At the time of the redistricting either  
10 in 2010 or 2011, did you communicate with the  
11 leadership of the Ohio Republican Party?

12 A. Yes.

13 Q. And do you recall the substance of any  
14 of those communications?

15 A. General election kinds of discussions.  
16 I was very new, so they were -- they were general  
17 discussions about what the election would be like.  
18 My first indoctrination to elected office was a  
19 candidate training class put on by the Ohio  
20 Republican Party way back in 2007.

21 Q. And did you communicate with the Ohio  
22 Republican Party about what the Congressional map  
23 would potentially look like?

24 A. No.

25 Q. Okay. Do you communicate with the

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2 elected leaders in the Ohio General Assembly?

3 A. Ask that again, please.

4 Q. Do you communicate with the elected  
5 leaders in the Ohio General Assembly?

6 A. Yes.

7 Q. Does that include with the Speaker of  
8 the House?

9 A. Yes.

10 Q. And with the Senate president?

11 A. Yes.

12 Q. At the time of the redistricting in  
13 2010 or 2011, did you communicate with the elected  
14 leaders of the Ohio General Assembly?

15 A. Yes.

16 Q. And did that at the time include the  
17 Speaker of the house?

18 A. Yes.

19 Q. And did it include the Senate  
20 President?

21 A. Yes.

22 Q. Did you have any communications with  
23 them regarding the redistricting?

24 A. Only in a very general context, that it  
25 was going to occur.



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2 Q. Did you communicate with either the  
3 Speaker of the House or the Senate President  
4 regarding what your district might look like?

5 A. No.

6 Q. All right. And did you communicate  
7 with any other staffers or members of the Ohio  
8 General Assembly?

9 A. Let me re-qualify that last answer. We  
10 speculated that it was going to change  
11 because -- all districts were going to change  
12 because we knew at that point that we were going  
13 to be losing two Congressional seats, but there  
14 were no specifics about what the district would  
15 contain or not contain.

16 Q. Okay. And would that same answer be  
17 true for communications with any other members of  
18 the Ohio General Assembly or their staff?

19 A. Yes.

20 Q. Okay. And do you communicate with the  
21 Governor of Ohio?

22 A. Yes.

23 Q. And at the time of the redistricting,  
24 did you communicate with the Governor?

25 A. I don't ever recall a conversation with

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2 Governor Kasich at the time.

3 Q. Okay. And of course you are now a  
4 member of a 16-person Congressional delegation.  
5 Do you communicate with each of those  
6 Congresspeople?

7 A. Yes.

8 Q. Do you more regularly communicate with  
9 the Republican members of the delegation than with  
10 the Democratic members?

11 A. I think that's fair to say, yes.

12 Q. Do you communicate with the leadership  
13 of the National Republican Party?

14 A. Yes.

15 Q. And did you communicate with the  
16 leadership of the National Republican Party at the  
17 time of redistricting?

18 A. No.

19 Q. Okay. Does the National Republican  
20 Party in your estimation include the Republican  
21 National Committee?

22 A. Yes.

23 Q. Okay. And does it include the National  
24 Republican Congressional Committee?

25 A. No.

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2 Q. Okay.

3 A. I thought you were talking about the  
4 RNC. The NRCC, to me, is something very  
5 different.

6 Q. Okay.

7 A. It's more localized.

8 Q. Okay. And do you communicate with the  
9 NRCC?

10 A. Yes.

11 Q. And did you communicate with the NRCC  
12 at the time of redistricting?

13 A. I don't ever recall a conversation with  
14 the NRCC at the time of redistricting.

15 Q. Okay. And you, along with the other  
16 Congressmen, have intervened in this case; is that  
17 correct?

18 A. Yes.

19 MS. LEE: I'm having -- going to ask  
20 the court reporter to please mark as Exhibit 2 and  
21 hand to the witness.

22 - - - - -

23 Plaintiff's Exhibit 2 marked for  
24 purposes of identification.

25 - - - - -

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2 Q. I'm having marked as Exhibit 2 the  
3 "Memorandum in Support of Motion of Republican  
4 Congressional Delegation, Ohio Voters, and  
5 Republican Party Organizations to Intervene."

6 I'll represent to you that this was  
7 filed, along with a cover motion, in the Southern  
8 District of Ohio so that you and others could join  
9 this case as an Intervenor.

10 Have you seen this document before?

11 A. I've seen the document.

12 Q. And do you understand that your  
13 attorneys have filed this document with the court  
14 on your behalf?

15 A. Yes.

16 Q. And do you understand in this document  
17 your attorneys make statements on your behalf?

18 A. Yes.

19 Q. Okay. I'll ask you to please turn to  
20 page 3 with me. And in the section below the bold  
21 header in the middle of the page, "The Proposed  
22 Intervenor," the first sentence reads, "The  
23 Intervenor Applicants represent a diverse  
24 coalition of registered voters, county political  
25 parties, and congressional representatives, all.

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2 whose interests will be directly impacted by the  
3 relief Plaintiffs are pursuing in this action?"

4 Do you agree that you're included  
5 within this statement as one of the Congressional  
6 representatives?

7 A. Yes.

8 Q. And the next paragraph referring to the  
9 Member Intervenor Applicants as incumbent  
10 representatives of Ohio's 1st, 2nd, 4th, 5th, 6th,  
11 7th, 8th, 10, 14th, and 15th districts. Do you  
12 see that?

13 A. Yes.

14 Q. And is it correct that you are included  
15 in that group as the incumbent representative of  
16 Ohio's 6th district?

17 A. Yes.

18 Q. These Member Intervenor Applicants are  
19 further defined in the very next sentence. "They  
20 were all members of the Republican Party, all  
21 registered voters in the district, and all intend  
22 to run for election as representatives of those  
23 districts in 2018 and 2020."

24 Do you agree that is correct?

25 A. Yes.

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2 Q. Okay. Please turn with me to page 9.

3 In the last paragraph that begins on  
4 this page, it refers to elected representatives  
5 having a "personal interest" in their district.

6 Do you see that?

7 A. Let me read that statement.

8 Q. Sure.

9 A. Yes.

10 Q. Do you think that is true?

11 A. Do I think what is true?

12 Q. Do you think that incumbents have a  
13 personal interest in their district?

14 A. Yes.

15 Q. And what is your personal interest in  
16 your district?

17 A. To represent the voters that have  
18 elected me. I have a responsibility to them.

19 Q. And do you have a specific personal  
20 interest in how that district is composed?

21 A. Truthfully, no. There's 721,000 people  
22 in a district. I represent the people, not the  
23 geography.

24 Q. Okay. And one direct interest that is  
25 described in this document is your continued.

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2 incumbency. Do you think you have an interest in  
3 your continued incumbency in office?

4 A. Yes.

5 Q. How so?

6 A. I want to continue representing the  
7 people that I serve.

8 Q. Okay. And did you have an interest in  
9 continued incumbency in this district in 2011  
10 before the lines were drawn?

11 A. Are we talking about the current  
12 district or the district that I had then?

13 Q. What is now the current district.

14 A. No, because I didn't know what the  
15 current district was going to be.

16 Q. Sure.

17 A. I had a -- I had a - what was the term  
18 you used - personal interest in my incumbency as  
19 it related to the twelve counties that I was  
20 representing at the time. I had no idea what the  
21 ultimate redistricting would look like.

22 Q. Okay. Let's look further at the  
23 reasons stated for your interest in this document.  
24 Could you please turn to page 11.

25 A. Okay.

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2 Q. It says, begins at the second line in  
3 the top, "the Member Intervenor Applicants have  
4 invested considerable time and money building  
5 coalitions of supporters in their districts,  
6 learning their districts, serving the needs of  
7 their constituents, raising and spending money on  
8 electioneering activities, among other  
9 activities."

10 Do you see that?

11 A. Yes.

12 Q. Okay. So let's take some of these one  
13 at a time.

14 Do you agree that you've invested  
15 considerable time and money building coalitions of  
16 supporters in your district?

17 A. Yes.

18 Q. Can you describe some of these  
19 activities or money spends?

20 A. Whether it's meeting with seniors,  
21 veterans, students, business owners, school  
22 officials, elected officials. Anyone that is a  
23 constituent of mine I spend a lot of time and  
24 effort and money to meet with them and understand  
25 what their issues and challenges are as it relates



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2 to federal policy.

3 Q. And do your coalition-building examples  
4 include Democrats?

5 A. Yes.

6 Q. Can you describe how so?

7 A. I don't know who my constituents are.  
8 There's never a question in my district about a  
9 person's party affiliation. We never query a  
10 business about whether they are Republican or  
11 Democrat or a veteran or a senior. In fact, I  
12 meet with Democrats, Republicans, and  
13 Independents.

14 Q. Do you ever do outreach to groups that  
15 specifically identify as Democrats?

16 A. I'm not sure I understand that  
17 question, because there are groups that more  
18 closely aligned with Democrats, but they don't  
19 necessarily advertise we're a Democrat  
20 organization.

21 Q. And you meet with those groups?

22 A. Yes.

23 Q. And what are some of those that you  
24 have --

25 A. Labor groups that traditionally have.

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2 been more closely aligned with Democrat support;  
3 seniors groups. And in my district, party  
4 affiliation is more of a geographic area. Some  
5 people from some parts of my district, depending  
6 on whether it's a suburban or urban area versus a  
7 very rural area, some areas are more organized  
8 along political lines than others.

9 But there's never a differentiation in  
10 my office or in the conduct of my office what  
11 party affiliation a person is a part of.

12 Q. And do you ever do outreach to groups  
13 that specifically identify as Republican?

14 A. Yes.

15 Q. And can you describe some of that  
16 outreach?

17 A. It's all of my constituents. So I  
18 don't know whether a person is -- when you  
19 say -- when you ask me if I'm reaching out to  
20 Republicans, the answer has to be yes, because I  
21 reach out to 721,000 people, and so there are  
22 Republicans in that group, Democrats in that  
23 group, and Independents in that group. But I  
24 don't -- I don't target a Republican group or a  
25 Democrat group.

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2 Q. Okay. So are you testifying that you  
3 don't ever have meetings or do outreach with  
4 groups that are specifically identified as  
5 Republican?

6 MS. McKNIGHT: Objection; form.

7 You may answer.

8 A. Ask that question again.

9 Q. Are you testifying that you don't -- do  
10 not ever do outreach or meet with groups that are  
11 specifically identified as Republican?

12 MS. McKNIGHT: Same objection.

13 A. I would have to say yes, because each  
14 of my counties has a Republican Party, and I  
15 occasionally meet with the officials and those  
16 members of that county Republican Party, yes.

17 Q. And do you ever meet with the officials  
18 or members of the county Democratic Parties?

19 A. I have offered, but very seldom have I  
20 been taken up on that offer.

21 Q. Okay. And in the phrase, "very  
22 seldom," does that mean sometimes you've been  
23 taken up on that offer?

24 A. There are Democrats that come to many  
25 of the outreach efforts that I do and they

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2 identify themselves as Democrats.

3 Q. Okay. In this same paragraph, the last  
4 sentence of the paragraph at the top of this page,  
5 it goes on to say, "if a remedial plan is ordered  
6 in this case, the remedial plan could pair two or  
7 more of the Member Intervenor Applicants in the  
8 same district, which would impede their ability to  
9 run for their seats."

10 Do you see that?

11 A. I see that, yes.

12 Q. Okay. Is that a concern that you have?

13 A. And that's the list of Member  
14 Intervenor Applicants that we talked about  
15 earlier, correct?

16 Q. Yes.

17 A. Well, certainly, because nobody wants  
18 to spend their resources on a primary. I wouldn't  
19 want to do that, but I'm not in charge of drawing  
20 the lines.

21 Q. Sure. Would the pairing of incumbents,  
22 was that a concern of yours in 2011 as well?

23 A. No. I was brand new in 2011 and I  
24 didn't even know what redistricting was until  
25 after I got elected.

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2 Q. Okay. Were you aware that with the  
3 loss of --

4 A. I knew that it could happen.

5 Q. Okay.

6 A. I'm sorry. I knew that a pairing could  
7 happen because of the 18 to 16. So I knew that  
8 that was a possibility, but I didn't worry about  
9 it. It wasn't a concern. It was an awareness.

10 Q. Okay. Understood. At the time, did  
11 you think there was a particular solution for the  
12 needed pairing?

13 A. No.

14 Q. Okay. Were you aware of what solution  
15 was settled upon?

16 A. No.

17 Q. At the time, what did you think of  
18 the --

19 A. Not until after it occurred.

20 Q. Okay. Understood. And what did you at  
21 the time think of the pairing of representatives  
22 Turner and Austria?

23 A. I didn't have an opinion.

24 Q. When did you become aware of that  
25 pairing?

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2 A. I don't recall the exact date.

3 Q. Was it before or after, if you recall,  
4 the legislation being passed in the fall of 2011?

5 MS. McKNIGHT: Objection; form.

6 You may answer.

7 A. I don't recall the exact date.

8 Q. Okay. Do you recall how you became  
9 aware of that pairing?

10 A. I don't recall exactly how I became  
11 aware, either.

12 Q. Do you have an understanding of why  
13 that was decided upon?

14 A. No.

15 Q. Okay. What did you think of the  
16 pairing of Representatives Kaptur and Kucinich?

17 A. Didn't have an opinion.

18 Q. When did you become aware of that  
19 pairing?

20 A. I don't recall that, either.

21 Q. Okay. And at the time, would you agree  
22 that there were many more representatives  
23 throughout the State who are geographically closer  
24 to each other than were Representatives Kaptur and  
25 Kucinich?

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2 MS. McKNIGHT: Objection; form.

3 You may answer.

4 A. Ask that question again, please.

5 Q. Were you aware that there were many  
6 more representatives in the State who were  
7 geographically closer to one another than were  
8 Representatives Kaptur and Kucinich?

9 MS. McKNIGHT: Same objection.

10 A. I didn't really look at the geography  
11 other than how it pertained to me. We speculated  
12 based on the districts that I bordered, if there  
13 was a pairing that involved me, who that pairing  
14 might be, but it was a logical -- it  
15 was -- because Jean Schmidt was on my southern  
16 border. I butted up against Steve Stivers and Pat  
17 Tiberi. I also butted up against Jim Renacci and  
18 Bob Gibbs. I also butted up against Tim Ryan. So  
19 the speculation was if I were to be paired with  
20 anyone, it would be one of those simply because  
21 their districts joined mine.

22 But I did not look at the geography or  
23 the possible pairings of others and didn't recall  
24 having any discussions about that.

25 Q. Okay. Do you have any understanding of

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2 why the pairing of Representatives Kaptur and  
3 Kucinich was decided upon?

4 A. No.

5 Q. What did you think of the pairing of  
6 Representative Sutton and Renacci?

7 A. I had no opinion.

8 Q. Do you recall when you became aware of  
9 that pairing?

10 A. I do not.

11 Q. And do you recall how you may have  
12 become aware of that pairing?

13 A. No.

14 Q. Do you have any understanding of why  
15 that pair was decided upon?

16 A. No.

17 Q. Would you agree that going from 18 to  
18 16 seats only required the pairing of two sets of  
19 incumbents?

20 MS. McKNIGHT: Objection; form.

21 You may answer.

22 A. No.

23 Q. Would you agree that there was a loss  
24 of two seats?

25 A. Yes.



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2 Q. And so at a minimum there would be a  
3 loss of two incumbents?

4 A. Yes.

5 Q. And so if the mapmakers were trying to  
6 minimize the number of lost incumbents, they would  
7 have only paired two sets of incumbents?

8 MS. McKNIGHT: Objection; form.

9 A. I don't know what was going through the  
10 minds of those that were drawing the maps.

11 Q. Okay. Did you ever have an  
12 understanding of why three pairs of incumbents?

13 A. No.

14 MS. LEE: I'm asking the court reporter  
15 to mark as Exhibit 3 and please hand to the  
16 witness.

17 - - - - -

18 Thereupon, Plaintiff's Exhibit 3 is  
19 marked for purposes of identification.

20 - - - - -

21 MS. McKNIGHT: Counsel, before you  
22 proceed, I'd just like to note for the record that  
23 in this case we've been operating under the  
24 understanding that all objections in depositions  
25 are reserved except for the objection on form. As

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2 I understand it, we're operating under that same  
3 understanding in this deposition; is that right?

4 MS. LEE: Yes, we are.

5 MS. McKNIGHT: Thank you, Counsel.

6 Q. So, Congressman, I've had marked as  
7 Exhibit 3 the "Reply in Further Support of Motion  
8 of Republican Congressional Delegation, Ohio  
9 Voters, and Republican Party Organizations to  
10 Intervene."

11 This was filed by your attorneys in  
12 further support of your request and the request of  
13 the other Congressmen to join this case.

14 And, again, would you agree that, just  
15 like the document we reviewed in Exhibit 2, in  
16 this document here your attorneys are making  
17 representations to the Court on your behalf?

18 A. Yes.

19 Q. Okay. Please turn with me to page 5 of  
20 this exhibit. Beginning four lines above the  
21 footnote, it says, "Members of Congress have  
22 ongoing and working relationships with these  
23 constituents and constituent groups, who turn to  
24 members of Congress for a variety of needs from  
25 ministerial to substantive lobbying."

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2 A. Let me read that.

3 Q. Sure.

4 A. Yes.

5 Q. Can you please describe some examples  
6 of working relationships with constituents on  
7 substantive lobbying issues?

8 A. Let's take, for example, coal miners  
9 who are in a multi-employer pension fund. Those  
10 multi-employer pension funds are in default and  
11 over a period of time those pensions and/or at one  
12 time the health benefits were not going to be  
13 available. So those constituents would come to me  
14 advocating for solutions to -- policy solutions  
15 that would remedy their loss of their pensions  
16 that they had worked so hard for, whether it was  
17 through the PBGC or through some other legislative  
18 means. That's one example.

19 Oil and gas business owners or other  
20 energy developers, whether they are coal companies  
21 or oil and gas companies that are trying to  
22 develop projects that are being impeded by federal  
23 policies or regulations from the EPA or the Army  
24 Corps, they would come and talk to me about  
25 potential policy solutions regarding that.

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2 The Army Corps of Engineers that  
3 maintain the river bank along the Ohio River and  
4 the Muskingum River in my district, the erosion  
5 issues that occur, mayors and city councils and  
6 county commissioners and county engineers come to  
7 me advocating for federal policies that would make  
8 sure that their erosion issues are adequately  
9 addressed by the Army Corps.

10 Those are three examples of those kinds  
11 of things.

12 Q. Sure. And do any of these examples  
13 include Democratic groups?

14 A. I don't know who they were when they  
15 come in. I don't ask them whether they're  
16 Democrats or Republicans.

17 Q. Please turn to the top of page 7 in the  
18 same document. Beginning on the first line, it  
19 reads, "Doing their job well requires unrelenting  
20 fundraising efforts that begin the day they are  
21 elected to office and continue until they step  
22 down or are voted out." Is that correct?

23 A. Unfortunately, yes.

24 Q. Okay. Continuing in this same  
25 paragraph, the next sentence reads, "These

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2 fundraising efforts would be wasted if district  
3 lines were changed and a member was paired with  
4 another incumbent or moved from a favorable to  
5 unfavorable district."

6 Do you see that?

7 A. I do see that.

8 Q. What is a "favorable district"?

9 A. My interpretation of this would be my  
10 district right now would be favorable to me  
11 because I have built those coalitions.

12 A district that has different lines  
13 would -- I would have to go back and start from  
14 square one, step one in building fundraising  
15 alliances and coalitions and getting those voters  
16 in those areas that I had not previously  
17 represented to get my message out to them to help  
18 them understand what kind of representative I  
19 would be on their behalf so that they would be  
20 more inclined to support me financially, to help  
21 me raise the resources to run a campaign.

22 Q. Do you think a "favorable district" has  
23 to do with the partisan composition of the  
24 district?

25 MS. McKNIGHT: Objection to form.

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2 You may answer.

3 A. No, because if you look at my election  
4 process, in 2010 I ran in a predominantly  
5 Democratic district and I didn't consider the  
6 partisan makeup of that district when I ran. I  
7 ran to serve. Excuse me. I ran to serve, and so  
8 it didn't matter to me what party the people came  
9 from.

10 I would visit -- at that time in my  
11 first election I represented Athens County, all of  
12 Athens County, which included the City of Athens.  
13 I spent a lot of time in Athens talking to college  
14 students and professors that I learned afterwards  
15 probably would never support me. But that didn't  
16 matter to me. It was my job to represent them.  
17 And so having an open line of communication with  
18 them would help me gain the resources that I need  
19 to run a campaign.

20 Q. Would you agree that your district  
21 lines will be redrawn following the 2020 census?

22 A. Yes.

23 Q. And does a congressman have any say in  
24 how those lines are going to be drawn?

25 A. No.

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2 Q. Continuing on in this document, please  
3 turn to page 10, if you would. In the second  
4 paragraph, beginning under heading B, the second  
5 sentence, it says, "But Plaintiffs ignore the  
6 reality that redistricting is a zero-sum game."

7 Do you see that?

8 A. In the second paragraph under B?

9 Q. Yes.

10 A. "But Plaintiffs ignore the  
11 reality" -- okay.

12 Q. Do you agree that "redistricting is a  
13 zero-sum game"?

14 MS. McKNIGHT: Objection; form.

15 A. I don't know what you mean by a  
16 "zero-sum game." Can you rephrase that?

17 Q. I don't think I can, as this is from a  
18 filing to the Court where your attorneys were  
19 making representations on your behalf. Certainly  
20 read in the paragraphs around that if you think  
21 that would help.

22 A. Let's see. That doesn't help. I'm not  
23 sure I understand what -- in this context what a  
24 "zero-sum game" means.

25 Q. Okay. In intervening in this case,

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2 your attorneys have described how your and the  
3 other Congressmen's interests are different from  
4 the other Defendants, which include the leaders of  
5 the Ohio General Assembly and the Ohio Secretary  
6 of State.

7 Before turning to those particular  
8 differences, who's responsible for drawing the  
9 Congressional map?

10 A. I don't know.

11 Q. Okay. Who's responsible for  
12 administering elections in Ohio?

13 A. Secretary of State.

14 Q. Okay. Do you agree that you have a  
15 different interest in the Congressional map than  
16 does the Ohio General Assembly?

17 MS. McKNIGHT: Objection; form.

18 You can go ahead and answer.

19 A. I don't know what the Ohio General  
20 Assembly's interest is, so I don't know whether my  
21 interest would differ from theirs or not.

22 Q. Okay. Do you agree that you have a  
23 different interest in the Congressional map than  
24 the Ohio Secretary of State?

25 A. I don't know what his interest is, so I



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2 don't know whether mine would differ.

3 Q. Okay. Please turn with me to page 14  
4 of Exhibit 3.

5 A. 14?

6 Q. Yes.

7 A. Okay.

8 Q. In the first paragraph at the top,  
9 beginning in the second sentence, it says, "the  
10 governmental defendants are not charged - and  
11 should not be charged - with assisting the  
12 Intervenor Applicants in maintaining any  
13 particular type or level of electoral  
14 participation." They --

15 A. I don't see that. Where --

16 Q. It begins on the third --

17 A. Oh. "To the contrary."

18 Q. Yes.

19 A. Okay.

20 Q. And so the next sentence begins, "They  
21 represent 'all citizens,' and, even if they take a  
22 view in defense of the law, their representation  
23 of all Ohio citizens' competing electoral  
24 interests, including Plaintiffs', does not  
25 adequately represent Intervenor Applicants'

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2 particular interests."

3 Do you see those sentences?

4 A. Yes, I see the sentences.

5 Q. Okay. Do you agree that Ohio citizens  
6 have "competing electoral interests"?

7 MS. McKNIGHT: Objection; form.

8 A. What is a "competing electoral  
9 interest"?

10 Q. Again, it's a representation made by  
11 your counsel in this filing. I think it perhaps  
12 means that citizens have different and potentially  
13 competing interests in elections and the outcomes  
14 of elections in Ohio.

15 A. Yes.

16 Q. Okay. And do you agree that  
17 Plaintiffs, individual Plaintiffs, Ohio citizens,  
18 in this case, have certain interests?

19 A. Yes.

20 Q. And do they have certain electoral  
21 interests?

22 A. They're citizens of Ohio, so I'm sure  
23 they do.

24 Q. Okay. And we have covered that you  
25 have a personal interest in your district,

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2 correct?

3 MS. McKNIGHT: Objection.

4 A. Yes.

5 Q. And do you have certain electoral  
6 interests in Ohio as well?

7 A. Yes.

8 Q. Okay. Lou Ann Booth, a Plaintiff in  
9 this case, is a constituent who lives in your  
10 district. Is your interest in your district at  
11 odds with hers?

12 A. I don't know what her interests are.

13 Q. Okay. One of the interests discussed  
14 to support intervention in this case is  
15 fundraising; is that correct?

16 A. Ask that again, please.

17 Q. Is one of the interests discussed in  
18 support of your intervention in this case  
19 fundraising?

20 A. I'd have to go back and look and  
21 refresh on what those --

22 Q. Sure. So if we can flip back to the  
23 top of page 7 in this same Exhibit 3 --

24 A. Yes.

25 Q. -- the first two sentences here, "Doing

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2 their job well requires unrelenting fundraising  
3 efforts that begin the day they are elected to  
4 office?"

5 A. Yes.

6 Q. Okay. And that, "These fundraising  
7 efforts would be wasted if district lines were  
8 changed and a member was paired with another  
9 incumbent or moved from a favorable to unfavorable  
10 district."

11 A. Yes. Yes.

12 Q. So you agree that one of the interests  
13 to support intervention was fundraising?

14 A. Yes.

15 Q. Okay. Have you ever used the prospect  
16 of redistricting in your fundraising efforts?

17 A. Ask that again.

18 Q. Have you ever used the prospect of  
19 redistricting in your fundraising efforts?

20 A. I don't know if this would qualify as  
21 using the prospects of redistricting in  
22 fundraising specifically. I believe that we noted  
23 in some of our fundraising efforts that  
24 redistricting was going to occur and, therefore,  
25 in my fundraising efforts, getting those who would

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2 favorably commit to supporting my efforts with  
3 financial contributions to understand that for me  
4 to get my message out as to what kind of member I  
5 was going to be representing the people that I  
6 represent, that I would need their support in  
7 doing that. But I had no role in drawing the  
8 district lines, so it's not a direct link.

9 Q. Understood. On page 7 where we had  
10 just looked back to, it states that if the lines  
11 were changed, "fundraising efforts would be  
12 wasted." Why would that be?

13 A. Well, many people, many people  
14 contribute to seeing their particular member of  
15 Congress elected or reelected, not someone else's.  
16 So if they were outside of my district, they might  
17 be less inclined to support financially.

18 MS. LEE: Okay. I'd like to have the  
19 court reporter mark as Exhibit 4, and please pass  
20 to the witness.

21 - - - - -

22 Thereupon, Plaintiff's Exhibit 4 is  
23 marked for purposes of identification.

24 - - - - -

25 MS. LEE: Kate, the Bates is chopped

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2 off a little bit here, but it's Johnson 0000, four  
3 zeros, 65.

4 MS. McKNIGHT: Thank you.

5 A. Okay.

6 Q. Congressman, do you recognize this  
7 document?

8 A. Yes.

9 Q. And what is it?

10 A. It looks -- it looks like a mailer.

11 Q. What was the purpose of this document?

12 A. To inform the people of my district  
13 that -- what kind of representation I was bringing  
14 to the table. Yeah, to inform the people in my  
15 district what kind of representation that I would  
16 be bringing to the table.

17 Q. Okay. And on the second page of this  
18 document, maybe the third column over, titled "The  
19 Battle Ahead" --

20 A. Right.

21 Q. -- "Congressional Geography 101," do  
22 you recall what the purpose of this particular  
23 section was?

24 A. To make sure my constituents knew that  
25 district lines would be changing, because we were

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2 going to be losing two seats.

3 Q. And in the second paragraph here, it  
4 begins, "During this process it'll be important to  
5 look at geography." Do you see that?

6 A. Correct.

7 Q. And what was your consideration in  
8 including this in the mailer?

9 A. Well, regardless of who does it, I  
10 mean, this is -- this is eight years after the  
11 first redistricting effort. I've learned a lot  
12 about our state. Geography plays a really big  
13 role in drawing district lines in Ohio because of  
14 the population centers and where those population  
15 centers exist relative to the geography.

16 If you go -- I mean, the formula for  
17 drawing district lines is very, very simple in  
18 concept. You take the national census. You  
19 divide by 435. You come up with a number. That's  
20 721,000. You divide 721,000 into the population  
21 of Ohio. You come up with a number. It was 16  
22 after the 2010 census, so we knew we were going to  
23 be losing two seats.

24 So the question, then, is how do you  
25 get out of those city centers, Cincinnati,

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2 Columbus, and Cleveland, and get all the way over  
3 to the river, to Appalachia, to the rural parts of  
4 our state and keep your districts with 721,000  
5 people.

6 And so the point we were making,  
7 there's always going to be a swath along the Ohio  
8 River that someone's going to have to represent.  
9 And I'm a country boy, and so I was trying to make  
10 the case I'm the guy to represent you. That's the  
11 purpose of this mailer.

12 Q. Okay. Thank you. Back in 2010 and  
13 2011, did you have familiarity with the  
14 redistricting process?

15 A. Very little. I knew it was happening.

16 Q. Do you know who -- what party was in  
17 the majority in the Ohio Senate in 2011?

18 A. I knew it was the Republicans, yes.

19 Q. And do you know what party was in the  
20 majority in the Ohio House in 2011?

21 A. Yes.

22 Q. And what party was that?

23 A. The Republicans.

24 Q. Okay. And do you know who the Governor  
25 was in 2011?



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2 A. Yes. John Kasich.

3 Q. And what party was he from?

4 A. Republican.

5 Q. What was your understanding at the time  
6 as to how the redistricting process was taking  
7 place?

8 A. I didn't have an understanding at the  
9 time.

10 Q. Did you know who was organizing it?

11 A. No.

12 Q. Did you know who had final approval on  
13 the map before it went to the floor of the General  
14 Assembly?

15 A. No.

16 Q. Are you aware that two versions of the  
17 redistricting map were passed?

18 A. No.

19 Q. Were you aware of a referendum  
20 occurring at the time?

21 A. I vaguely remember the referendum,  
22 because I knew that it was in the courts up until  
23 late in the year.

24 Q. Who is Mark Weaver?

25 A. Mark Weaver is my general consultant,

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2 political consultant.

3 Q. And is he the principal at  
4 Communications Counsel?

5 A. Yes.

6 Q. And who is Mike Smullen?

7 A. He's my chief of staff.

8 Q. And did he work on your political  
9 campaign in 2011, excuse me, in 2010?

10 A. No.

11 Q. And he's presently your chief of staff?

12 A. Yes.

13 Q. And he was your chief of staff at the  
14 time of the redistricting?

15 A. I don't remember the date that he came  
16 on, but he came on early in 2011. So yes.

17 Q. Okay. And who is Matt Dole?

18 A. Matt Dole works for Mark Weaver. He's  
19 a staff member of Communication Counsel.

20 Q. Is it fair to say that Mark Weaver is a  
21 trusted advisor of yours?

22 A. Yes.

23 Q. And is it fair to say that Mike Smullen  
24 is a trusted advisor of yours?

25 A. Yes.

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2 Q. And is it fair to say that Matt Dole is  
3 a trusted advisor or yours?

4 A. Yes.

5 Q. Did Communications Counsel advise you  
6 regarding the Congressional redistricting?

7 A. We talked about it in very general  
8 terms, but I had no role in it, so they didn't  
9 advise me other than how do we put out a message  
10 that would tell my constituents what kind of  
11 representative that I would be.

12 And, also, I didn't even know who the  
13 stakeholders were that would be making this  
14 decision, but I knew that they were out there. I  
15 just didn't know who they were. So that was part  
16 of our messaging strategy was to let everybody, my  
17 constituents and those that would be drawing the  
18 district maps, know what I bring to the table.

19 Q. Understood.

20 MS. LEE: I'm going to ask the court  
21 reporter to mark as Exhibit 5 and hand to the  
22 witness.

23 - - - - -

24 Thereupon, Plaintiff's Exhibit 5 is  
25 marked for purposes of identification.

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2 - - - - -

3 Q. Congressman, do you recognize this  
4 document? It begins on the reverse side of the  
5 page in terms of chronological order.

6 A. Okay.

7 Q. Do you recognize this document?

8 A. Well, it's an e-mail. It's been a long  
9 time since I've seen it, but --

10 Q. Okay. I'd just like to discuss a  
11 couple of things in this e-mail.

12 A. Okay.

13 Q. If you flip to the reverse side, which  
14 is the first e-mail chronologically in the chain,  
15 this appears to be an e-mail from you to Mark  
16 Weaver; is that correct?

17 A. Right.

18 Q. Okay. And in the third paragraph,  
19 you're referring to a meeting you had with Dave  
20 Hobson throughout this e-mail. Who's Dave Hobson?

21 A. Dave Hobson is a former member of  
22 Congress from down around the Dayton area.

23 Q. Okay. And in the third paragraph it  
24 states, "he asked me a question that I did not  
25 know the answer to...i.e., what am I doing to

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2 prepare to defend against getting redistricted

3 out?"

4 Do you see that?

5 A. I do.

6 Q. And do you recall that being a concern

7 in 2010?

8 A. You mean being redistricted out?

9 Q. Yes.

10 A. I became aware after I learned there

11 were going to be two seats eliminated that I could

12 be paired with someone, yes. I knew it was a

13 possibility.

14 Q. Okay. And then if you flip to the  
15 first side of the page, Mark Weaver's response to  
16 you in the e-mail at the bottom of this page, in  
17 the second paragraph it states, "Remember, the  
18 decision is ultimately up to the General Assembly  
19 and that depends a lot on the relationship with  
20 those leaders."

21 Was that your understanding of what was  
22 important in order to ensure against getting  
23 redistricted out?

24 A. Is what my understanding?

25 Q. A relationship with the General

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2 Assembly's leaders.

3 A. I don't know what Mark Weaver meant by  
4 his comment there.

5 Q. Okay. And then in your response  
6 e-mail, the one immediately above that one,  
7 your -- the first paragraph begins, "Agree,  
8 totally. That's really the specific question I  
9 have. How do I begin now to establish a  
10 relationship with those state legislature  
11 leaders...before they form their opinions on who  
12 should stay or go?"

13 Do you see that?

14 A. I do.

15 Q. And do you --

16 A. I do.

17 Q. Do you recall seeking to establish a  
18 relationship with State legislature leaders in  
19 2010 and 2011?

20 A. Yes, for many different reasons, not  
21 solely because of redistricting. My constituents  
22 have issues and concerns that are not federal  
23 issues, and so knowing who to contact within the  
24 State legislature and the State agencies to refer  
25 them to is important.

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2 So the general answer to your question  
3 is yes, I did go about building relationships with  
4 State officeholders so I could better represent  
5 the people that elected me.

6 Q. And was part of the reason in  
7 establishing a relationship with those State  
8 legislature leaders around their opinions on  
9 redistricting?

10 A. Well, keep in -- yes. However, keep in  
11 mind what I said down below in the first  
12 paragraph. I didn't -- or at the beginning of  
13 this e-mail thread. He asked me a question that I  
14 did not know the answer to, what am I doing to  
15 defend against getting redistricted out. I didn't  
16 know that I needed a defense plan to keep from  
17 getting redistricted out. And so I thought I  
18 needed to let somebody know who I was and that  
19 hey, I'm living over here in eastern and  
20 southeastern Ohio. This is what I bring to the  
21 table.

22 Keep in mind, if you draw Ohio in a  
23 quadrant, I am the only federal elected  
24 representative of any -- at any level in the  
25 southeastern quadrant of the State. Everyone else

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2 is up there. So Appalachia is oftentimes at the  
3 back of everybody's mind in Columbus and even  
4 further at the back of everybody's mind in  
5 Washington, D C. And so I knew that going in. So  
6 that's what that answer was referring to, how do I  
7 let those folks know, that I'm going to have to  
8 work with, who I am and what I am.

9 Q. Understood.

10 MS. LEE: I'm going to ask the court  
11 reporter to mark as Exhibit 6 and then hand to the  
12 witness.

13 - - - - -

14 Thereupon, Plaintiff's Exhibit 6 is  
15 marked for purposes of identification.

16 - - - - -

17 THE WITNESS: Before we ask another  
18 question, can we take a quick break?

19 MS. LEE: Absolutely.

20 (A recess was taken.)

21 MS. LEE: Back on.

22 Q. Okay. Congressman, you've just been  
23 handed Exhibit 6, which is a document that we  
24 received from Communications Counsel.

25 Do you recognize this document?



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2 A. Yes.

3 Q. And do you recall the purpose of this  
4 document?

5 A. As I recall, these are -- these are  
6 some of the folks that I was mentioning earlier.  
7 These are recommendations of people that I should  
8 try and get to meet to better represent my  
9 constituents when I needed to refer them to State  
10 officeholders.

11 Q. Okay. Great. I'd like to -- in the  
12 first section, "Party Insiders," do you see the  
13 fourth item down, "Jim Tilling, former staff  
14 member of re-apportionment board. Helped draw the  
15 maps previously."

16 A. Uh-huh.

17 Q. Do you recall the purpose of meeting  
18 with Jim Tilling?

19 A. I do not know. And I didn't prepare  
20 this document, so I don't know what -- I don't  
21 know what the purpose of meeting with Jim Tilling  
22 is and I don't ever recall meeting with Jim  
23 Tilling.

24 Q. Okay. Do you recall meeting with any  
25 individuals in Ohio who previously drew

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2 Congressional maps?

3 A. No.

4 Q. And if you would please turn to the  
5 last page --

6 A. Yes.

7 Q. -- of the document, "DC Political  
8 Meetings." Do you see that section?

9 A. Yes.

10 Q. The first individual listed here is  
11 "Tom Whatman. Arrange through NRCC."

12 A. Yes.

13 Q. Do you know Mr. Whatman?

14 A. Yes.

15 Q. And do you recall what his role was in  
16 2011?

17 A. I do not know. I know that -- I know  
18 that Tom was on John Boehner's team, John being  
19 the Speaker of the House. And so I knew Tom. I  
20 saw him when we would have delegation meetings or  
21 meetings over at the NRCC, yes.

22 Q. Okay. And so your answer sort of  
23 presaged my next question. In general, are there  
24 meetings of the Ohio Congressional delegation  
25 held?

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2 A. Yes.

3 Q. And do the meetings include both the  
4 Democratic and the Republican members of the  
5 delegation?

6 A. Yes.

7 Q. Are there ever meetings held just of  
8 the Republican members of the delegation?

9 A. Yes.

10 Q. What is the purpose of these meetings?

11 A. To talk about legislative priorities.  
12 Obviously John Boehner, being the Speaker of the  
13 House, from Ohio, believes strongly that Ohio  
14 played a critical role in advancing the priorities  
15 of the House, and so making sure that we were all  
16 informed so that we could make informed decisions  
17 about our votes on policy issues and such.

18 Q. In general, how would meetings of the  
19 Republican members of the delegation be called?

20 A. How would they be called? At what  
21 time, today, then, now?

22 Q. Sure; excellent clarification. How  
23 would they be called in 2010 and 2011?

24 A. As I recall, a notice would go out from  
25 the dean of the delegation to -- through their

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2 chief of staff to all of the members' chiefs of  
3 staffs and/or schedulers and we'd be notified that  
4 there'd be a delegation meeting.)

5 Q. And at the time of the redistricting,  
6 who was the dean of the delegation?

7 A. Steve LaTourette.)

8 Q. Prior to the 2011 redistricting being  
9 passed, was there ever a meeting of the Republican  
10 members of the delegation held to discuss  
11 redistricting?

12 A. Redistricting was a topic of discussion  
13 at delegation meetings. I don't recall a specific  
14 redistricting meeting that was focused totally on  
15 that.

16 Q. Okay. Was there ever a meeting in  
17 which redistricting was one of the topics that  
18 included both the Republican and the Democratic  
19 members of the delegation?

20 A. I don't recall a meeting like that.

21 Q. Okay. Do you recall the nature of the  
22 conversation surrounding redistricting by the  
23 Republican members of the delegation?

24 A. They were very general, speculative.  
25 Everybody knew that we were going to lose two

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2 congressional seats so, as you might imagine,  
3 everybody was speculating about how that was going  
4 to happen and how it might involve them.

5 Q. Understood.

6 MS. LEE: Okay. I'm going to ask the  
7 court reporter to mark as Exhibit 7 and please  
8 hand to the witness.

9 - - - - -

10 Thereupon, Plaintiff's Exhibit 7 is  
11 marked for purposes of identification.

12 - - - - -

13 Q. Do you recognize this document?

14 A. I do.

15 Q. And what was the purpose of this  
16 document?

17 A. It was to notify us of a delegation  
18 meeting.

19 Q. And is it correct that the meeting is  
20 listed as with Congressman LaTourette because, as  
21 dean, he was calling the meeting?

22 A. That's correct.

23 Q. And so in mid November 2010, is it  
24 correct you'd been elected to office, but you were  
25 not yet sworn in as a Congressman?

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2 A. That is correct.

3 Q. And did you attend this meeting?

4 A. I don't recall.

5 Q. Does this appear to be a meeting that  
6 you likely would have attended?

7 A. Can I confer with counsel?

8 Q. Is it regarding privilege?

9 A. Well, I don't know. I don't know what  
10 privilege is.

11 Q. Is it regarding attorney-client  
12 privilege?

13 MS. McKNIGHT: Why don't we take a  
14 moment? Please answer that question. Pardon me.

15 A. I didn't miss any of the activities  
16 around orientation. Looking at the date of  
17 the -- when the meeting was going to be, I believe  
18 that it was during orientation, so I would have  
19 been in D.C. So even though I don't remember the  
20 meeting specifically, I'm fairly confident that I  
21 would have been at the meeting.

22 Q. Understood. Do you want to take a  
23 break?

24 A. No.

25 Q. No? You're okay?

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2 A. I'm good.

3 Q. Perfect. And the meeting agenda here  
4 is just sort of the mid to bottom of the page  
5 including four items.

6 Do you see that?

7 A. Yes.

8 Q. And one of the items is "committee  
9 assignments."

10 A. Right.

11 Q. Would Representative LaTourette as dean  
12 or would Speaker Boehner be the one in charge of  
13 committee assignments?

14 A. The committee assignment process was  
15 actually a steering committee, a Republican  
16 conference steering committee process.

17 Q. Okay.

18 A. Now, I didn't understand that then. We  
19 were asked as new members -- there were five new  
20 members that year, Chabot, Renacci, Stivers,  
21 Gibbs, and me. And we were asked what committees  
22 we wanted to be on. I wouldn't know I didn't get  
23 the committees I asked for. So it was a steering  
24 committee decision, the Speaker having some number  
25 of votes as the Speaker in that steering committee

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2 process. And that still exists that way today.

3 Q. Okay. And another agenda item here is  
4 "redistricting."

5 A. Yes.

6 Q. Would this be the sort of meeting you  
7 referred to earlier where redistricting was one of  
8 the topics --

9 A. Yes.

10 Q. -- but not the only topic discussed?

11 A. Yes.

12 Q. And do you have any recollection of  
13 discussions surrounding redistricting during the  
14 orientation period?

15 A. Other than it was going to happen, no.

16 Q. Okay. Putting aside the document we  
17 just reviewed, did you ever talk about  
18 redistricting with then Speaker Boehner?

19 A. In a one-on-one conversation?

20 Q. Let's start there.

21 A. No.

22 Q. Okay. And did you ever talk about  
23 redistricting with Speaker Boehner in a larger  
24 conversation than one on one?

25 A. Only in the context of a meeting like



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2 this where we were talking in general about

3 redistricting is going to occur.

4 Q. Okay. Did you understand  
5 Speaker Boehner to have some control in the area  
6 of redistricting in Ohio?

7 A. I didn't assume that Speaker Boehner  
8 would have any control because he's not part of  
9 the process. District lines are drawn by State  
10 officials. He was a federal official. So I  
11 didn't assume anything.

12 Q. Did you ever come to understand that  
13 Speaker Boehner had some control in the area of  
14 redistricting?

15 A. Again, I did not know what  
16 Speaker Boehner's control would have been, role  
17 would have been, because he's not a -- he's not a  
18 State official.

19 Q. Okay. Is it your understanding that  
20 Speaker Boehner played no role in Ohio's  
21 redistricting?

22 A. Redistricting is handled by the laws of  
23 the State and, as such, Speaker Boehner had no  
24 formal role in redistricting in 2011.

25 Q. Did he have any informal role?

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2 A. We talked about it in general and  
3 he -- being the senior member of our delegation,  
4 he was not the dean. That was Steve LaTourette.  
5 He couldn't be both dean and Speaker of the House.  
6 So in the context of being the senior member of  
7 the State of Ohio, he was the most knowledgeable  
8 about redistricting because he had been through it  
9 several times before.

10 Q. And did you ever understand that  
11 Speaker Boehner or members of his staff had  
12 decision-making authority in the drawing of the  
13 maps?

14 A. I did not assume that they had  
15 decision-making authority because they weren't  
16 State officials.

17 Q. Did you ever come to learn that they  
18 had decision-making authority?

19 A. No, because I didn't think that they  
20 had decision-making authority.

21 Q. And it is -- is it still your  
22 understanding today that they did not have  
23 decision-making authority in the --

24 A. That is correct.

25 Q. Other than Speaker Boehner, did you

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2 have -- and the general meetings like the one  
3 we've just discussed, did you ever have  
4 conversations about redistricting with any other  
5 Republican members of the Ohio Congressional  
6 delegation?

7 A. Everybody was talking about the what  
8 ifs, you know, is it going to be me and you, is it  
9 going to be you and them, is it -- you know, how  
10 is this all going to work out. I mean, there  
11 was -- there was a lot of uncertainty and cloud  
12 hanging over the redistricting process.

13 Most of us, even the new members, even  
14 the returning members, because they hadn't been  
15 there long enough except for maybe LaTourette,  
16 maybe Tiberi at the time, had ever been through a  
17 redistricting process. So we were all very, very  
18 naive as to the process and how it worked. So  
19 there was a lot of discussion about what ifs.  
20 What if it's you? What if it's me? What do we  
21 do?

22 Q. Do you recall any particular  
23 discussions?

24 A. No.

25 Q. Okay. Did you ever have conversations

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2 about redistricting with any of the Democratic

3 members of the Ohio Congressional delegation?

4 A. Yes.

5 Q. And what do you recall of those?

6 A. Same kind of discussions. Tim Ryan and

7 I are close friends. Well, I'm actually friends

8 with all of the Democratic members. I was friends

9 with Dennis Kucinich, as well. So we would

10 have -- on the floor it would be more humor and

11 laughing, you know, what if it's the two of us?

12 What if it's the two of them? How is this all

13 going to work? It was those kind of discussions.

14 Q. Do you recall any discussions with  
15 Democratic members that were not of the humorous  
16 variety you've just described, but that were  
17 regarding the substance of what the redistricting  
18 would look like?

19 A. No.

20 Q. Did you ever talk about redistricting  
21 with other members of Congress, meaning those who  
22 are not from Ohio?

23 A. Not that I recall.

24 Q. Okay. Did you ever e-mail with any  
25 Congresspeople about redistricting?

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2 A. I don't recall.

3 Q. Okay. Do you use text messaging or SMS  
4 messaging?

5 A. Yes.

6 Q. And did you at the time in 2011?

7 A. I don't recall.

8 Q. Do you recall ever texting with any of  
9 your staff members about redistricting?

10 A. I don't recall.

11 Q. Do you recall ever texting with any  
12 other members of Congress about redistricting?

13 A. I do not recall.

14 Q. Okay. Do your staff people communicate  
15 on your behalf?

16 A. Yes.

17 Q. Okay. Do you know if any members of  
18 your staff communicated with other congressional  
19 staffers about Ohio's redistricting?

20 A. I don't know.

21 Q. Do you know if any members of your  
22 staff communicated with any other elected  
23 officials in Ohio about redistricting?

24 A. I don't know.

25 Q. Okay. Did you ever have any member of

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2 your staff reach out to any members of  
3 Speaker Boehner's staff about redistricting?

4 A. I don't recall.

5 Q. Do you recall ever having any  
6 discussions with any other Congresspeople at the  
7 time about where the lines for your district were  
8 going to be drawn?

9 A. I had no idea what the lines were going  
10 to be, so no.

11 Q. Okay. And as we discussed earlier,  
12 you've communicated with other elected officials  
13 in Ohio, correct?

14 A. About a specific topic?

15 Q. Just in general.

16 A. Just in general? Yes.

17 Q. Okay. Do you know Tom Niehaus?

18 A. Yes.

19 Q. And who is he?

20 A. At the time he was the president of the  
21 Senate.

22 Q. And do you know what Tom Niehaus's  
23 involvement in Ohio's Congressional redistricting  
24 was?

25 A. No.

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2 Q. Did you have any conversations with  
3 Mr. Niehaus in 2011 regarding Ohio's  
4 redistricting?

5 A. Only to the extent that it was going to  
6 happen.

7 Q. And do you know if any of your staff  
8 members had any conversations with Senate  
9 President Niehaus or his staff regarding Ohio's  
10 redistricting?

11 A. I don't recall.

12 Q. Do you know Bill Batchelder?

13 A. Yes.

14 Q. And who is he?

15 A. He was the Speaker of the Statehouse.

16 Q. And what was Bill Batchelder's  
17 involvement in Ohio's Congressional redistricting?

18 A. I do not know.

19 Q. Okay. Did you have any conversations  
20 with Bill Batchelder in 2011 regarding Ohio's  
21 redistricting?

22 A. Only in the context that it was going  
23 to happen.

24 Q. And do you know if any of your staff  
25 members had any conversations with

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2 Speaker Batchelder or his staff regarding Ohio's  
3 redistricting?

4 A. I do not know.

5 Q. Did you know Bob Bennett?

6 A. I did.

7 Q. And who is Bob Bennett?

8 A. Bob Bennett at the time that I was  
9 elected was -- well, no. I can't -- he was the  
10 chairman of the Ohio Republican Party, but I'm not  
11 sure he was when I was elected or if he had  
12 already left the post. He was there for a while,  
13 then he left, and then he came back for an interim  
14 period under Governor Kasich. So he had two  
15 different tenures, so I'm not sure what his dates  
16 were.

17 Q. Okay. And what was Bob Bennett's  
18 involvement in Ohio's Congressional redistricting?

19 A. As the Ohio Republican Party chairman,  
20 he didn't have a role. I don't know who in the  
21 State, what their roles were, but I know as a  
22 State official issue, he's not a State official.  
23 So I knew that he had no formal role in  
24 redistricting.

25 Q. Did you know if he had any informal



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2 role in redistricting?

3 A. I do not know.

4 Q. Did you have any conversations with Bob  
5 Bennett in 2011 regarding Ohio's redistricting?

6 A. Not that I recall.

7 Q. And do you know if any of your staff  
8 members had any conversations with Bob Bennett or  
9 members of his staff in 2011 regarding Ohio's  
10 redistricting?

11 A. I do not know.

12 Q. Do you know Kevin DeWine?

13 A. I do.

14 Q. And who is Kevin DeWine?

15 A. Kevin DeWine became the Ohio Republican  
16 Party chairman after Bob Bennett.

17 Q. And what was Kevin DeWine's involvement  
18 in Ohio's Congressional redistricting?

19 A. He had no formal role, same reason Bob  
20 Bennett did not.

21 Q. And do you know if he had any informal  
22 role in Ohio's Congressional redistricting?

23 A. I do not.

24 Q. Did you have any conversations with  
25 Kevin DeWine regarding Ohio's redistricting?

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2 A. Only in a general context that it was  
3 going to happen, much like Niehaus and Batchelder.

4 Q. And do you know Heather Mann Blessing?

5 A. No.

6 Q. Do you have any knowledge of her  
7 involvement in Ohio's Congressional redistricting?

8 A. No.

9 Q. Do you know Ray Dirossi?

10 A. No.

11 Q. Do you have any knowledge of his  
12 involvement in Ohio's redistricting?

13 A. No.

14 Q. Did you know Tom Hofeller?

15 A. Who?

16 Q. Dr. Thomas Hofeller?

17 A. No.

18 Q. Do you know if he had any role in  
19 Ohio's redistricting?

20 A. No.

21 Q. Do you know Mark Braden?

22 A. No.

23 Q. Do you know if Mark Braden had any role  
24 in Ohio's redistricting?

25 A. No.

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2 Q. Do you know John Morgan?

3 A. No.

4 Q. Do you know if John Morgan had any role  
5 in Ohio's Congressional redistricting?

6 A. No.

7 Q. Do you know Adam Kincaid?

8 A. No.

9 Q. Do you know if Adam Kincaid had any  
10 role in Ohio's Congressional redistricting?

11 A. No.

12 Q. And we earlier discussed that you know  
13 Tom Whatman; is that correct?

14 A. I do.

15 Q. Do you know what Tom Whatman's role was  
16 at the time of the redistricting?

17 A. He was a member of John Boehner's  
18 political team in Washington, D.C.

19 Q. Okay. And do you know if Mr. Whatman  
20 had involvement in Ohio's Congressional  
21 redistricting?

22 A. I do not know.

23 Q. Did you ever have any conversations  
24 with Mr. Whatman regarding redistricting?

25 A. Only in a very general context. He

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2 would be present at some of those delegation  
3 meetings, and to the extent that redistricting was  
4 happening, that was the extent of it.

5 Q. Did you ever have any conversations  
6 with Mr. Whatman about what your redrawn district  
7 might look like?

8 A. No. And I might point out, John  
9 Boehner was very tight lipped. He didn't tell  
10 stuff like that. He did not talk. If there was  
11 anything to tell, he didn't tell. He didn't -- I  
12 mean, if you were to go to John and say John, I  
13 want to be on this committee, his response to you  
14 would be I think you'd make an excellent member of  
15 that committee, but he wouldn't commit. Whatman  
16 did not talk about specifics.

17 So in both Boehner's instance and Tom  
18 Whatman's interest, any conversations that were  
19 about redistricting were at a very general level,  
20 the fact that it was happening, that we were going  
21 to lose two congressional seats, and that was  
22 pretty much the extent of what I knew.

23 Q. Okay. And do you know if any of your  
24 staff members or advisors had conversations with  
25 Mr. Whatman regarding Ohio's Congressional

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2 redistricting?

3 A. I do not recall.

4 Q. Do you know if Speaker Boehner  
5 communicated with the members of the Ohio General  
6 Assembly about the congressional map?

7 A. I do not know.

8 Q. Did you ever discuss with  
9 Speaker Boehner what you wanted your district to  
10 look like?

11 A. No.

12 Q. And at the time --

13 A. I just told him I wanted one.

14 Q. And at the time of the redistricting,  
15 did you have particular thoughts about what you  
16 wanted your district to look like?

17 A. No.

18 Q. In his role of Speaker at the time, was  
19 Mr. Boehner the head of the NRCC?

20 A. No.

21 Q. Okay. And what was Speaker Boehner's  
22 relationship to the NRCC?

23 A. He was the Speaker of the House. We  
24 had an NRCC chairman. That was Representative  
25 Pete Sessions from Texas.

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2 Q. And what is your understanding of the  
3 role of the NRCC with respect to Republican  
4 members of Congress?

5 A. They are the political arm of the  
6 Republican conference. So they advise on  
7 elections, provide resources, like campaign  
8 strategy, polling information, those kinds of  
9 things. So they're sort of the political -- or  
10 much like the ORP is the Ohio Republican Party,  
11 the NRCC serves the same type of function, only  
12 for the Republican conference, much like the DCC,  
13 the Democrat Congressional campaign committee,  
14 does for the Democrat party.

15 Q. And have you ever attended any  
16 presentations by the NRCC related to  
17 redistricting?

18 A. Yes.

19 Q. And do you recall when those  
20 presentations were?

21 A. No.

22 Q. Do you recall how many presentations  
23 you attended?

24 A. No.

25 Q. Do you recall the content of any of

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2 those presentation?

3 A. They were very, very general. These  
4 are the states that are going to be going through  
5 redistricting. There were occasions when we would  
6 be informed that -- that a redistricting challenge  
7 had been levelled in the courts and that it might  
8 be a while before we know what the district lines  
9 are going to look like for the next election;  
10 very, very general.

11 Q. Have you ever reviewed any materials  
12 put together by the NRCC related to redistricting?

13 A. Not that I recall.

14 Q. Okay. Has anyone on your staff  
15 attended any presentations by the NRCC related to  
16 redistricting?

17 A. I do not know.

18 Q. Has anyone on your staff ever reviewed  
19 materials by the NRCC related to redistricting?

20 A. I do not know.

21 MS. LEE: I'd like to mark as Exhibit 8  
22 and then please hand to the witness.

23 - - - - -

24 Thereupon, Plaintiff's Exhibit 8 is  
25 marked for purposes of identification.

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2 - - - - -

3 Q. Congressman, do you recognize this  
4 document?

5 A. Let's see. Yes.

6 Q. And what is this document?

7 A. It's a string of e-mails from Matt Dole  
8 starting out and then responses by members on the  
9 address list.

10 Q. And is it correct that you are added to  
11 this e-mail chain in the last --

12 A. The very top one.

13 Q. The very top e-mail?

14 A. Yes.

15 Q. And is Angela Weaver a member of your  
16 staff?

17 A. She was at that time. She was my  
18 scheduler.

19 Q. Okay. Understood. And in this office  
20 e-mail at the top, it's from Pamela Hashem.

21 A. Right.

22 Q. And who is Ms. Hashem?

23 A. She was my fundraiser at the time.

24 Q. And the e-mail states, "All, I have  
25 just met with Chairman DeWine and he would like to



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2 see Bill tomorrow as well. He asked that we have  
3 our Clegg meeting at the ORP and he can join us?"

4 And is Chairman DeWine referenced here  
5 in this sentence, Kevin DeWine; is that correct?

6 A. Yes.

7 Q. Okay. And what is your "CLEGG  
8 meeting"?

9 A. I have no clue.

10 Q. Okay.

11 A. I don't ever recall -- I don't even  
12 know who Clegg is.

13 Q. Okay. And if we just look a little bit  
14 down --

15 A. Sure.

16 Q. -- to the full schedule update, it says  
17 1:00 p.m., it's the fifth item down, "1:00 p.m.,  
18 also at the Hyatt: Bob Clegg. Bob is the ORP's  
19 liaison to the redistricting process."

20 Do you see that?

21 A. I do see that.

22 Q. And so do you understand that the  
23 sentence to be that Bob Clegg, the meeting would  
24 not occur at the Hyatt, but would instead occur at  
25 the ORP in the top e-mail?

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2 A. Yes.

3 Q. Okay. It states, "He would also like  
4 to" underlined, "show us maps they've drawn and  
5 talk to Bill about his ideas."

6 A. I see that.

7 Q. Okay. Did you go to such a meeting at  
8 the ORP?

9 A. I do not recall such a meeting.

10 Q. And do you recall Chairman DeWine or  
11 any other members of the ORP showing you potential  
12 maps that they've drawn?

13 A. No.

14 MS. LEE: I'd like to ask the court  
15 reporter to mark as Exhibit 9 and please hand to  
16 the witness.

17 - - - - -

18 Thereupon, Plaintiff's Exhibit 9 is  
19 marked for purposes of identification.

20 - - - - -

21 A. Keep in mind, if I might expand, this  
22 was a recommendation from Matt Dole, and by the  
23 time I was copied on it by Pamela Hashem at the  
24 top, she says is this possible or is the possible.  
25 I don't -- I don't ever recall that series of

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2 meetings.

3 Q. Okay. And if you'll take Exhibit 9.

4 A. Sure.

5 Q. Do you recognize this document?

6 A. Let's see. This is from Matt Dole to  
7 Mark Weaver.

8 Q. Okay. Do you have any understanding as  
9 to why Mr. Dole and Mr. Weaver were running  
10 scenarios for redistricting?

11 MS. McKNIGHT: Objection.

12 A. I have no idea what Matt Dole and Mark  
13 Weaver were doing. I don't know.

14 Q. Okay. Do you know who "bir" would be  
15 in reference to?

16 A. No.

17 Q. Okay. You can put that exhibit to the  
18 side.

19 MS. LEE: I'd like to ask the court  
20 reporter to mark as Exhibit 10 and please hand to  
21 the witness.

22 - - - - -

23 (Plaintiff's Exhibit 10 marked for  
24 purposes of identification.)

25 - - - - -

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2 Q. Okay. And, Congressman, do you  
3 recognize this document?

4 A. It's a document from my chief of  
5 staff --

6 Q. And --

7 A. -- to our political team. Yeah.

8 MS. PROUTY: Can I get a copy? Is  
9 there not a copy? I may not have made it. The  
10 water interrupted us. Apologies.

11 Q. And you were a recipient of this e-mail  
12 as well, correct?

13 A. Yes.

14 Q. Okay. Do you have an understanding  
15 of -- so the subject line listed here is  
16 "redistricting/fundraising talking point."

17 Do you see that?

18 A. Yes.

19 Q. How was the fundraising related to  
20 redistricting?

21 A. I have no clue. It is not unusual at  
22 all after an FEC filing to compare our results  
23 with other members to learn lessons learned, are  
24 they doing better, are they doing worse, how can  
25 we help, how can they help us. So that's -- I

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2 didn't even look at the subject line initially.

3 That's what this appeared to be to me.

4 Q. Okay. Did you ever have an  
5 understanding that if a member of Congress was  
6 good at fundraising, the delegation would prefer  
7 that he stayed a member of Congress?

8 MS. McKNIGHT: Objection; form.

9 A. No. And it's a damn good thing,  
10 because if that were the case, I would have been  
11 gone a long time ago.

12 Q. Okay. But in this e-mail, based on the  
13 content, it appears that your filing was better  
14 comparatively than these members.

15 A. That particular quarter.

16 MS. LEE: Okay. I'd like to ask the  
17 court reporter to mark as Exhibit 11 and please  
18 hand to the witness.)

19 - - - - -

20 Thereupon, Plaintiff's Exhibit 11 is  
21 marked for purposes of identification.)

22 - - - - -

23 A. Okay.)

24 Q. Do you recognize this document?

25 A. I do.)

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2 Q. And what is it?

3 A. It's a -- it is an e-mail from Andrew  
4 Anderson, who was a staff member for Pamela Hashem  
5 and her consulting group - remember, Pamela was my  
6 fundraiser - to our -- Gary Crandall is the  
7 chairman of my finance committee, and Mike Smullen  
8 and me.

9 Q. Okay. And if you see in the first  
10 paragraph, it's second sentence, it says, "As of  
11 now Bob Murray has agreed to call Kasich, Boehner,  
12 Niehaus and Batchelder on Bill's behalf to discuss  
13 redistricting according to Congressman Johnson's  
14 e-mail on 4-28-11," and it proceeds to quote an  
15 e-mail from you, at least from the face of this  
16 document.

17 Do you see that?

18 A. I see. Yes.

19 Q. Okay. Who is Bob Murray?

20 A. Bob Murray is a constituent of mine.  
21 He runs a coal company.

22 Q. Okay. And do you recall having him  
23 reach out to these Ohio Republicans about  
24 redistricting?

25 A. I was having him reach out to lots of

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2 people to demonstrate to them, to tell them that I  
3 was the kind of representative that he wanted  
4 representing him. But certainly some of those key  
5 State officeholders that I, too, had to deal with  
6 on behalf of him and my other constituents, yes.

7 Q. And part of the purpose of that  
8 outreach was to discuss the upcoming  
9 redistricting?

10 A. Again, yes. Again, to demonstrate the  
11 kind of representative that I was going to be.

12 MS. LEE: Okay. I'd like to ask the  
13 court reporter to mark as Exhibit 12 and hand to  
14 the witness.

15 - - - - -

16 Thereupon, Plaintiff's Exhibit 12 is  
17 marked for purposes of identification.

18 - - - - -

19 Q. So this document is three pages long,  
20 if you'd --

21 A. Okay.

22 Q. -- like to familiarize yourself with  
23 it.

24 Do you recognize this document?

25 A. It appears to be a memorandum from

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2 Communications Counsel regarding redistricting  
3 hearings around the state.

4 Q. Okay. And do you recall what the  
5 purpose of this memorandum was?

6 A. No. I mean, I can read through it and  
7 do all kinds of guessing, but --

8 Q. Sure. So based on the face of the  
9 document, on the sort of bottom of the first page,  
10 after indicating the planned hearings across the  
11 state, Communications Counsel recommends, or  
12 "suggestion is to identify a few different  
13 citizens to attend."

14 A. Right.

15 Q. "They will share their thoughts about  
16 how important it is to keep southeast Ohio intact  
17 as a legislative district, as well as to reinforce  
18 the value of the outreach efforts Bill's put  
19 forth."

20 Do you see that?

21 A. I do.

22 Q. And then if you turn to the next page,  
23 it appears that there are offered redistricting  
24 talking points. Would you agree to that?

25 A. I'd agree that this document offers



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2 some talking points, yes.

3 Q. And it appears to -- scratch that.

4 And so in the second subheading,  
5 "Importance of Voice for all of Southeast Ohio,"  
6 do you see that?

7 A. I see, yes.

8 Q. And does this section offer reasons why  
9 southeast Ohio should be kept together in a  
10 Congressional district?

11 A. I don't know what Mark Weaver's  
12 intention was when he put these talking points  
13 together.

14 Q. Do you see the bullet, "Southeast Ohio  
15 citizens have repeatedly been pawns to  
16 gerrymandering and political games."

17 A. Yes.

18 Q. Do you have any understanding of what  
19 was meant by that?

20 A. No.

21 Q. Sitting here today, do you have any  
22 understanding of what was meant by that?

23 A. No.

24 Q. Do you see the sub bullet, "Crazy river  
25 district build for Ted Strickland"?

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2 A. I do see that.

3 Q. Who is Ted Strickland?

4 A. Former Governor and former member of  
5 Congress from the 6th district.

6 Q. Do you have any understanding of what  
7 "crazy river district" means in this bullet point?

8 A. We talk about the Appalachian district  
9 along the Ohio River as being crazy because of its  
10 geography. It takes six and a half hours to drive  
11 from one end of the district to the other. I can  
12 get from my house to Washington, D.C. quicker than  
13 I can drive from one end of my district to the  
14 other. It's one of the larger districts east of  
15 the Mississippi. And the way it meanders along  
16 the Ohio River, there's no easy way to get  
17 anywhere. It's time consuming, a lot of  
18 windshield time sitting in the car. So  
19 that's -- when we talk internally about us having  
20 a "crazy river district," that's what we're  
21 referring to.

22 Q. And do you understand this talking  
23 point to be critical of the 2002 drawn shape of  
24 District 6?

25 A. I do not know what Mark Weaver intended

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2 this talking point to mean.

3 MS. LEE: Okay. Going to ask the court  
4 reporter to mark as Exhibit 13.

5 - - - - -

6 Thereupon, Plaintiff's Exhibit 13 is  
7 marked for purposes of identification.

8 - - - - -

9 Q. Do you recognize this document,  
10 Congressman?

11 A. This is an e-mail from Mike Smullen to  
12 Mark Weaver and me.

13 Q. Okay. And the second e-mail down  
14 appears to be an e-mail that you wrote on July  
15 2nd, 2011.

16 Do you see that?

17 A. Let's see.

18 Q. It's just the second line down.

19 A. On Saturday, July 2nd, 2011? Yes.

20 Q. Okay. And this e-mail chain appears to  
21 be discussing an article that Mark Weaver sent the  
22 link for the previous afternoon, and the last  
23 sentence in the e-mail that you wrote on July 2nd,  
24 says, "This article also gives with what Whatman  
25 said about our new district potentially being an

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2 R+5 district?"

3 Do you see that?

4 A. I do see that.

5 Q. And do you have an understanding of  
6 what "R+5" means?

7 A. Yes. It's the PBI index.

8 Q. Okay. And does that mean that there's  
9 a plus five lean in favor of Republicans?

10 A. Yeah. It would be a -- it would be a  
11 Republican-leaning district by five points.

12 Q. Okay. Understood. And do you have any  
13 recollection of Mr. Whatman saying the new  
14 district potentially would be an R+5 district?

15 A. I don't recall that statement.

16 Obviously. I wrote it in this e-mail. I don't  
17 know whether I heard someone say that, Whatman say  
18 it or whether I heard it directly from Whatman. I  
19 don't recall.

20 Q. Okay.

21 A. "Potentially" is the operative word  
22 there, because no matter which direction you would  
23 go with my district, because it was presumed the  
24 geography of the district would get even bigger  
25 because we were shrinking from 18 members to 16

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2 members, that -- that there were very few  
3 directions that it could go that would increase  
4 the Democrat population of northeastern Ohio. The  
5 areas that it could potentially grow into were  
6 more Republican areas, conservative areas. In  
7 general, we knew that by the population.

8 Q. Okay. And in the second paragraph of  
9 your e-mail, the July 2nd e-mail --

10 A. Yes.

11 Q. -- the second sentence begins, "But,  
12 we'd be wise to assume the worse, continue our  
13 strategy of working hard and courting the decision  
14 makers, and be thankful if it does not happen."

15 A. Right.

16 Q. "David Locke is putting two \$1,000  
17 donations in the mail to Neihaus (sic) and  
18 Batchelder this week."

19 A. Right.

20 Q. Who is David Locke?

21 A. David Locke was my district director at  
22 that time.

23 Q. Okay. And would these \$1,000 donations  
24 be coming personally from Mr. Locke?

25 A. I honestly do not know what that

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2 statement means, because David Locke did not have  
3 any interaction with my finances. If he made  
4 donations himself personally, that would have been  
5 his business. I'm not aware of that. But I would  
6 have not had David Locke do anything in regards to  
7 writing checks on my behalf to anyone, let alone  
8 to a decision maker. So I'm not really sure what  
9 I meant by that at that particular point in time.

10 Q. And do you have any recollection of  
11 such donations being made to the Speaker of the  
12 House and the Senate president?

13 A. We contributed to State Republican  
14 organizations in general. I don't recall. I'd  
15 have to go back and look at my FEC reports whether  
16 I made any personal contributions to their  
17 campaigns. I don't know when Tom Niehaus was up  
18 for reelection or Bill Batchelder was up for  
19 reelection. I've made personal contributions to  
20 State office seekers, candidates, as well as  
21 federal. So I don't know.

22 Q. Sitting here today, do you have any  
23 understanding of these contributions being related  
24 to redistricting?

25 A. No.

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2 MS. LEE: I'd like to ask the court  
3 reporter to mark as Exhibit 14 and please hand to  
4 the witness.)

5 - - - - -

6 Thereupon, Plaintiff's Exhibit 14 is  
7 marked for purposes of identification.

8 - - - - -

9 Q. We received this document in its  
10 redacted form from Communications Counsel. They  
11 redacted all materials not related to  
12 redistricting from the memorandum.

13 With that caveat, do you recognize this  
14 document?

15 A. I recognize it as a memo from Mark  
16 Weaver and Matt Dole, but I don't know who it went  
17 to.

18 Q. If you'll flip with me to the last page  
19 in the conclusion --

20 A. Right.

21 Q. -- it states, "The leadership update  
22 mailer was widely hailed as a pivotal piece during  
23 the re-districting process."

24 Do you understand the "update mailer"  
25 to be the document you reviewed in Exhibit 4?

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2 A. I do not know what Mark Weaver meant by  
3 that statement.

4 Q. Did Communications Counsel or Mark  
5 Weaver put together the mailer in Exhibit 4?

6 A. Yes.

7 Q. Okay.

8 A. And early -- that is a mailer. I don't  
9 know if it's the mailer that you're referring to  
10 here.

11 Q. Yes. "And early aggressive outreach  
12 (and donations) to legislative leaders and others  
13 involved in the re-districting process no doubt  
14 impacted decision-making."

15 Do you see that sentence?

16 A. I do see that.

17 Q. And do you have an understanding of  
18 what Mr. Weaver and Mr. Dole meant by that?

19 A. I have no idea what they meant by that.

20 Q. And sitting here today, do you have any  
21 understanding what they meant by that?

22 A. No.

23 MS. LEE: And I'd like to ask the court  
24 reporter to please mark as Exhibit 15.

25 - - - - -



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2 Thereupon, Plaintiff's Exhibit 15 is  
3 marked for purposes of identification.

4 - - - - -

5 Q. Congressman, do you recognize this  
6 document?

7 A. This is an e-mail trail from me to Mark  
8 Weaver and Mike Smullen.

9 Q. Okay. Great. And in the first e-mail  
10 in the chain from you on July 14th, 2011 --

11 A. Right.

12 Q. -- the subject line is "Redistricting";  
13 is that correct?

14 A. Yes.

15 Q. And the first paragraph reads, "We are  
16 certainly going to keep mum about this, but the  
17 word from credible sources last night," I assume  
18 it means night, "is that the deal has done...and  
19 we have survived. We may even get a sneak,  
20 informal view of the new, supposedly much safer  
21 district as early as today."

22 Do you have a recollection of this  
23 consideration of districts in July 2011?

24 A. I do not.

25 Q. And --

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2 A. I mean, I knew redistricting was going  
3 on and it was a work in progress during that whole  
4 time.

5 Q. And do you have any recollection of who  
6 the "credible source" is referred to?

7 A. I do not.

8 Q. Did you ever view a draft of what your  
9 district might look like prior to the time the  
10 redistricting legislation was passed?

11 A. I do not recall ever seeing a draft.

12 Q. And in the second paragraph here, it  
13 says, "Mark, I've heard repeated accolades on our  
14 Leadership Update political piece...the word  
15 'brilliant' has been used numerous times to  
16 describe it."

17 Do you know if that's a reference to  
18 the document reviewed in Exhibit 4, the mailer,  
19 Ohio leadership briefing?

20 A. I do not know.

21 Q. Do you have any recollection of any  
22 other mailers sent in 2011 that would have been  
23 identified as a leadership update?

24 A. I do not, no.

25 MS. LEE: I'm going to ask the court

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2 reporter to please mark as Exhibit 16 and hand to  
3 the witness.)

4 - - - - -

5 Thereupon, Plaintiff's Exhibit 16 is  
6 marked for purposes of identification.

7 - - - - -

8 Q. Do you recognize this document?

9 A. Yes.

10 Q. And what is this?

11 A. This is an e-mail from me to Mark  
12 Weaver and Mike Smullen.

13 Q. Okay. And the original e-mail in the  
14 chain is sent on Monday, July 18th, 2011?

15 A. Right.

16 Q. And the subject line is "Tom Neihaus";  
17 is that correct?

18 A. Right.

19 Q. The first sentence is "Talked to Tom  
20 today." Would that be a reference to Senate  
21 President Niehaus?

22 A. Yes.

23 Q. And it relates, "He confirmed that he  
24 and Batchelder have committed that Boehner has the  
25 lead on the redistricting map...they are going to

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2 support his desires?"

3 What did you mean in this e-mail?

4 A. You know, I don't recall writing this  
5 e-mail. And, again, the discussions that we had  
6 with -- with Boehner were very, very generic,  
7 nonspecific. So I don't know whether I was  
8 talking about informing the delegation about the  
9 redistricting process -- and it wasn't unusual at  
10 the time for us to talk about the redistricting  
11 process using the term redistricting map. We knew  
12 that the process was going to culminate in a map.  
13 And so I think I was talking about the process,  
14 not a specific drawing of a document.

15 I know what it says, but I'm -- I don't  
16 recall writing it and I don't recall what I meant  
17 when I said it.

18 Q. No. I understand what you mean by  
19 referring -- that redistricting map captured more  
20 than just one specific map. What did you mean by  
21 "Boehner has the lead on" what would have then  
22 been the redistricting process?

23 A. Again, he was the -- as the senior  
24 member of the Ohio delegation and having gone  
25 through redistricting before, making sure that

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2 members of the Ohio delegation were kept informed  
3 to the extent there was anything to inform us  
4 about what the redistricting process was, where it  
5 was in the phase, you know, when it would likely  
6 be finished, et cetera. Because everybody, again,  
7 was guessing at how it might impact them, was it  
8 going to change the filing deadline, would the  
9 primary stay the same as it had, as it was  
10 originally scheduled. Those kinds of questions  
11 were coming up because they were -- they were  
12 pertinent to our managing our process of getting  
13 petitions signed and ready for filing and those  
14 kinds of things. So having updates from John on  
15 what -- what was happening and how it might -- how  
16 it might impact our schedule of things to be able  
17 to be ready when the maps -- the map was  
18 finalized.

19 Q. And so Senate President Niehaus and  
20 Speaker Batchelder as leaders of the Ohio General  
21 Assembly would be in charge of the legislature  
22 that --

23 A. I do -- they certainly would have  
24 probably played a role, but, again, I don't know  
25 the process at the State level.

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2 Q. Okay. And the last statement here  
3 referring back to Speaker Boehner's lead on the  
4 redistricting map, "they," referring to Tom  
5 Niehaus and Speaker Batchelder, "are going to  
6 support his decision." Did you have an  
7 understanding of what you meant by that, what they  
8 meant by that?

9 A. I have no idea what John's desires  
10 were, because he never shared them with me.

11 Q. But from your conversation referenced  
12 here with Senate President Niehaus, was it then  
13 your understanding that they were going to support  
14 his desires even if you didn't know what those  
15 particular desires were?

16 A. They were going to support his desires.  
17 I said in this e-mail they're going to support his  
18 desires about something, but I don't know what  
19 that something is and I don't know what his  
20 desires were as it relates to redistricting.

21 MS. LEE: I'm going to ask the court  
22 reporter to please mark as Exhibit 17.

23 - - - - -

24 Thereupon, Plaintiff's Exhibit 17 is  
25 marked for purposes of identification.

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2 - - - - -

3 Q. Okay. Do you recognize this document?

4 A. This is an e-mail from Pam Hashem to me  
5 and Mike Smullen and Andy Anderson, Andrew  
6 Anderson, who worked for Pam at the time.

7 Q. Okay. And what is this e-mail  
8 regarding?

9 A. It seems like Speaker Boehner was going  
10 to come to Ohio to host a fundraising event for  
11 me, and we were looking at asking Dave Johnson to  
12 see if he would be willing to host the event at  
13 either his restaurant or another facility.

14 Bob Sebo is mentioned there. He has a  
15 very nice home there in Columbiana County.

16 Q. Okay. And are Dave Johnson and Bob  
17 Sebo both constituents in the 6th district?

18 A. Yes.

19 Q. Okay. In the last sentence of the last  
20 paragraph, Ms. Hashem says, "Your commitment to  
21 the Speaker will (HAS) also pay off in  
22 redistricting."

23 Do you see that?

24 A. Yes.

25 Q. What did you understand this to mean?

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2 A. Let's see. Let me read that entire  
3 paragraph.

4 Now, your question? I'm sorry.

5 Q. The last sentence there, "Your  
6 commitment to the Speaker will (HAS) also pay off  
7 in redistricting." What did you understand that  
8 to mean?

9 A. I don't know what Pam meant when she  
10 wrote that.

11 Q. Okay. Sitting here today, do you have  
12 any understanding of what it means?

13 A. No.

14 Q. So this e-mail, we've been going  
15 chronologically, and the ones we're looking at is  
16 about nine days after the previous e-mail we  
17 looked at in Exhibit 16, do you have any  
18 understanding that a congressional map was close  
19 to being drawn at that time?

20 A. No, because I didn't know the status of  
21 the congressional map. Keep in mind, there was a  
22 lot of information coming out in the media at that  
23 time not just in general discussions among our  
24 delegation, but the media was doing extensive  
25 speculating about what was going to happen and the



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2 redistricting process. So there was a lot of  
3 guessing and anticipating what the eventual  
4 outcome might be.

5 Q. Did you ever see any draft of the  
6 Congressional -- the first Congressional  
7 redistricting map that was passed prior to its  
8 passage in the Ohio General Assembly?

9 A. You know, I saw things come out in the  
10 media, but I don't know if it was the map prior to  
11 introduction into the State Legislature. I do not  
12 know.

13 Q. And other than through the media, did  
14 you ever receive a Congressional redistricting map  
15 from any members of your staff prior to its  
16 introduction?

17 A. Not that I recall.

18 Q. Did you ever receive prior to its  
19 introduction in the General Assembly a  
20 Congressional map from the Ohio Republican Party?

21 A. Not that I recall.

22 Q. Did you ever see a Congressional map  
23 prior to its introduction in the General Assembly  
24 from any elected officials in Ohio?

25 A. Not that I recall.

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2 Could I trouble you to take another  
3 restroom break?

4 MS. LEE: Perfect.

5 (A recess was taken.)

6 MS. LEE: Back on the record.

7 I'm going to ask the court reporter to  
8 please mark Exhibit 18 and hand it to the witness.

9 - - - - -

10 Thereupon, Plaintiff's Exhibit 18 is  
11 marked for purposes of identification.

12 - - - - -

13 Q. Congressman, do you recognize this  
14 document?

15 A. I do.

16 Q. And what is it?

17 A. It is an e-mail from Mike Smullen to  
18 Mark Weaver and me.

19 Q. Okay. And the subject line here is  
20 "Whatman."

21 A. Right.

22 Q. Is this e-mail in reference to Tom  
23 Whatman from Speaker Boehner's team?

24 A. I presume so. Mike Smullen wrote it,  
25 so I don't know what he meant if not that.

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2 Q. Okay. And it says, this e-mail reads,  
3 "Just talked to Tom and told him what happened  
4 night...he actually laughed and said 'no big  
5 deal.' He said as this gets closer to becoming  
6 public they expect this type of thing to happen  
7 but appreciated the heads up."

8 Do you have any idea what this e-mail  
9 is regarding?

10 A. I do not.

11 Q. Okay. Do you know if it was in  
12 reference to the Congressional map that was being  
13 drawn?

14 A. I do not.

15 MS. LEE: I'd like to ask the court  
16 reporter to please mark Exhibit 19 and hand it to  
17 the witness.)

18 - - - - -

19 Thereupon, Plaintiff's Exhibit 19 is  
20 marked for purposes of identification.

21 - - - - -

22 Q. Congressman, do you recognize this  
23 document?

24 A. Yes.

25 Q. And what is it?

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2 A. It is an e-mail from Mike Smullen to  
3 Mark Weaver and me.

4 Q. Okay. And the first e-mail on Monday,  
5 August 15th, the subject line is,  
6 "Austria - Whatman meeting." Is that a reference  
7 to then Representative Austria and Tom Whatman?

8 A. Yes.

9 Q. And it states, "I'm not supposed to  
10 know this, but Whatman met with Austria this  
11 morning and told Austria that he'll be running  
12 against Turner."

13 And is that a reference to  
14 Representative Mike Turner?

15 A. Yes.

16 Q. "Austria is apparently furious. Most  
17 importantly, Boehner's team has officially  
18 delivered that message."

19 Do you understand -- what did you  
20 understand this e-mail to mean?

21 A. I didn't write this e-mail, so I don't  
22 know what Mike Smullen meant.

23 Q. And upon receiving it, what did you  
24 understand him to mean?

25 A. I couldn't speculate, because I don't

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2 know what Mike meant.

3 Q. Okay. And sitting here now, do you  
4 have any understanding as to what this e-mail  
5 means?

6 A. Well, at some point Austria and Turner  
7 found out that they were going to be running  
8 against each other. I don't know when that was or  
9 how that information got disseminated.

10 Q. Okay. And Mike Smullen is your chief  
11 of staff; is that correct?

12 A. Yes.

13 Q. And he was your chief of staff in  
14 August of 2011; is that correct?

15 A. Yes.

16 Q. And do you understand this e-mail to be  
17 informing you of Turner and Austria learning that  
18 they would be running against each other?

19 A. I understand what's what it says, yes.

20 Q. Do you have any understanding of what  
21 it means that, "Most importantly, Boehner's team  
22 has officially delivered that message"?

23 A. I don't know what Mike meant by that.

24 Q. And do you understand that to mean  
25 anything upon reading the e-mail?

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2 A. No.

3 MS. LEE: Okay. I'd like to ask the  
4 court reporter to please mark as Exhibit 20 and  
5 hand to the witness.

6 - - - - -

7 Thereupon, Plaintiff's Exhibit 20 is  
8 marked for purposes of identification.

9 - - - - -

10 Q. Do you recognize this document?

11 A. Let's see. This is an e-mail string  
12 between Mike Smullen and me.

13 Q. Okay. And what is it regarding?

14 A. It -- let's see. I think  
15 we're -- we're talking about -- the subject of the  
16 e-mail is a speaker event. We're still trying to  
17 get John Boehner to come and do a fundraising  
18 event for me.

19 Q. Okay. And this e-mail is from November  
20 2nd, 2011. Do you see that?

21 A. Yes.

22 Q. And did you understand this to occur  
23 after the original Congressional redistricting map  
24 was done?

25 A. Say that again.

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2 Q. And do you understand this to have  
3 occurred after the Congressional redistricting map  
4 was passed?

5 A. I do not know when the Congressional  
6 redistricting map was passed, so I can't say.

7 Q. Okay. And in the second bullet point  
8 down in Mr. Smullen's e-mail, it says, "Boehner  
9 and staff have had our back in redistricting."

10 Do you see that?

11 A. Yes.

12 Q. What did you understand that to mean?

13 A. I don't know what Mike Smullen meant by  
14 that.

15 Q. Sitting here now, do you have any  
16 understanding what it means?

17 A. Outside of the context of he kept us  
18 informed on the process so that we knew what was  
19 happening in terms of timeline. That's all I  
20 know.

21 Q. Have you ever heard of project red map?

22 A. No.

23 Q. And I believe you referenced this  
24 measurement before, but have you heard of  
25 congressional districts being ranked as plus or

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2 minus some number?

3 A. Yes.

4 Q. Okay. And that's referred to as the  
5 PBI, which I believe you referenced before.

6 A. Right.

7 MS. LEE: Okay. I'm going to ask the  
8 court reporter to please mark as Exhibit 21 and  
9 hand to the witness.

10 - - - - -

11 Thereupon, Plaintiff's Exhibit 21 is  
12 marked for purposes of identification.

13 - - - - -

14 MS. LEE: This is a 2012 presentation  
15 by the NRCC that we received in discovery,  
16 Counsel. For reference it's NRCC 000031.

17 A. Okay.

18 Q. Have you seen this presentation before?

19 A. I do not recall. I'd have to go  
20 through it in detail, but I do not recall.

21 Q. You can please flip through it if that  
22 will refresh your recollection.

23 A. I mean, I've seen hundreds and hundreds  
24 and hundreds of presentations. This looks to be  
25 just a general political climate update that we



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2 would have gotten at the NRCC.

3 Q. Okay.

4 A. But I don't recall seeing it.

5 Q. Sure. And across the top, do you see  
6 there's four items listed?

7 A. Yeah.

8 Q. "Redistricting, Re-elect" --

9 A. Right.

10 Q. -- "Recruitment," and "Resources." And  
11 as to the first, let's see, six pages,  
12 "Redistricting" is in blue and the other items are  
13 in white.

14 Do you see that?

15 A. Ask the question again.

16 Q. At the top -- yeah. Just that as these  
17 first six pages, the word "Redistricting" of those  
18 four items are in blue and the other three are in  
19 white.

20 A. Yes.

21 Q. And then if you could flip with me to  
22 page -- the sixth page. I apologize. They're not  
23 numbered.

24 A. Okay.

25 Q. This slide is entitled, "Competitive R

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2 Seat Improved." Do you see that?

3 A. I do.

4 Q. And in the first column, the third  
5 entry down says, "OH-6 Johnson R+5 (+3)."

6 Do you see that?

7 A. Yes.

8 Q. What do you understand the slides mean  
9 with respect to Ohio 6?

10 A. I don't know. I don't know the date of  
11 this presentation and I don't know where they're  
12 getting that PVI and the results from, so I don't  
13 know.

14 I mean, I'm not trying to bleed  
15 ignorance. I know that what it -- what it's  
16 attempting to say is that something happened that  
17 improved the PVI or that they presumed would  
18 improve the PVI by three points.

19 Q. And bringing it to plus five, is that  
20 correct, or plus five?

21 A. That appears to be so.

22 Q. Okay. And I'd like to turn back  
23 briefly to one of the other exhibits. I  
24 apologize. Could you turn back to Exhibit 13,  
25 please.

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2 A. Yes.

3 Q. Okay. And in that last sentence of the  
4 first paragraph from Saturday, July 2nd, said,  
5 "The article jives with what Whatman said about  
6 our new district potentially being an R+5  
7 district."

8 Do you see that?

9 A. Yes.

10 Q. Does that refresh your recollection as  
11 to what was meant in slide 6 of the presentation?

12 A. No. I don't -- I don't know that I can  
13 draw a correlation between those being connected,  
14 because neither -- neither Tom Whatman, John  
15 Boehner, I, nor anybody else determines what the  
16 PVI is. The PVI is totally objective, as I  
17 understand it, based on the analysis of pollsters  
18 and analysts like Charlie Cook, Stuart Rothenberg,  
19 Sabado, and others. So I don't know where they  
20 would have gotten this information from.

21 Q. And do you understand the PVI set by  
22 those outside groups and individuals that you've  
23 mentioned is used by the political parties to  
24 assess the strength of Congressional districts?

25 A. Yes.

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2 Q. Did you have any conversations with  
3 anyone at the time of redistricting about your  
4 district becoming more favorable in terms of PVI?

5 A. No.

6 Q. Okay.

7 A. Other than speculation that, again,  
8 because of where my district was located and where  
9 it might grow geographically, that was the only  
10 context in which it was guessed.

11 MS. LEE: Okay. I'm going to ask the  
12 court reporter to please mark as Exhibit 22 and  
13 hand to the witness.

14 - - - - -

15 Thereupon, Plaintiff's Exhibit 22 is  
16 marked for purposes of identification.

17 - - - - -

18 Q. Do you recognize what's depicted here?

19 A. Yes. This appears to be -- I mean, I  
20 can't say 100 percent for sure, but it's pretty  
21 close to what my current district looks like.

22 Q. Okay. And I'll represent to you that  
23 it is the current Ohio Congressional map.

24 A. Okay.

25 Q. Looking at the map, is there anything

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2 you view as notable about it?

3 A. Notable? My district's big.

4 Q. Fair enough.

5 A. It's long. There are other districts  
6 that are big, also, but it's long. That northwest  
7 district is also very big.

8 MS. LEE: And I'm going to ask, we'll  
9 zoom in and ask the court reporter to please mark  
10 as Exhibit 23.

11 - - - - -

12 Thereupon, Plaintiff's Exhibit 23 is  
13 marked for purposes of identification.

14 - - - - -

15 Q. And, Congressman, do you recognize  
16 what's depicted here?

17 A. It is a map.

18 Q. Okay. And what is it a map of?

19 A. It is a map highlighting a district  
20 that looks similar to mine.

21 Q. Okay. And I'll represent to you that  
22 this is in fact the current map of the  
23 Congressional district.

24 Do you have an understanding of why the  
25 district was configured in this way?

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2 A. I have absolutely no idea.

3 Q. Okay. And do you have an understanding  
4 that within your district you have five split  
5 counties?

6 A. I do.

7 Q. And in general, in redistricting, do  
8 you have any understanding of efforts to keep  
9 counties and municipalities together?

10 A. I don't know the redistricting process  
11 so I don't know what the discussions are. I mean,  
12 I've seen -- I've seen the recommendations of  
13 various types of redistricting processes that  
14 would advocate for that, but I do not know what  
15 the redistricting process is and what their  
16 considerations are.

17 Q. Okay. And in your current district,  
18 would you say this is the same sort of "crazy  
19 river district" that was referred to in the  
20 earlier communications?

21 A. Oh, yes. This is definitely a crazy  
22 river district.

23 Q. Are you familiar with the fact that  
24 Plaintiffs as part of their case have submitted a  
25 remedial map to the court?

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2 A. No.

3 MS. LEE: I'm now going to have marked  
4 and show you a document that shows that remedial  
5 map that was submitted.

6 - - - - -

7 Thereupon, Plaintiff's Exhibit 24 is  
8 marked for purposes of identification.

9 - - - - -

10 Q. So the remedial map has been marked as  
11 Exhibit 24. Do you know which district you would  
12 be located in under this map?

13 A. Yeah. It would be the 15th District.

14 Q. Okay. And does this district contain a  
15 number of counties that are in your current  
16 district as well?

17 A. Yes.

18 Q. And is the 15th District in the  
19 remedial map more compact than the crazy river  
20 district?

21 A. What do you mean by "compact"? Is it  
22 not as long?

23 Q. Yes.

24 A. It is less long.

25 Q. Okay. As you sit here today, do you

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2 know of any reason why the Court should not order  
3 this new configuration?

4 A. I don't have an opinion as to whether  
5 the Court should go with this or not.

6 Q. Okay. Do you have any opinions about  
7 the composition of this particular District 15?

8 A. No.

9 Q. Okay. Do you know the counties that  
10 are included in this proposed district?

11 A. When you say, "know the counties," I  
12 know they exist, but -- but they -- they border my  
13 current district. Some of them do. Not all of  
14 them, but some of them border my current district.

15 Q. And as you sit here today, are you  
16 aware of any reason that you could not represent  
17 this district?

18 A. I can represent any district.

19 Q. Are you familiar with the fact that the  
20 Plaintiff's expert also drew additional  
21 hypothetical maps?

22 A. No.

23 MS. LEE: Okay. I'm going to ask, and  
24 I'll mark two at the same time, the court reporter  
25 to please mark Exhibits 25 and 26 and then hand



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2 them to the witness.

3 - - - - -

4 Thereupon, Plaintiff's Exhibit 25 and  
5 26 are marked for purposes of identification.

6 - - - - -

7 A. I didn't know we had an Ottawa county  
8 in Ohio. Okay. I'm looking at 25 and 26.

9 Q. Okay. And these are two hypothetical  
10 maps that were submitted to your counsel last  
11 month with the supplemental reports of one of our  
12 experts.

13 I'll also represent to you that  
14 District 6 remains the same between these two  
15 maps. Some of the other districts change, but  
16 District 6 --

17 A. Okay.

18 Q. -- remains the same.

19 Are you aware of any reason at the time  
20 of the redistricting that the map drawers could  
21 not have drawn either of these maps?

22 A. No. I don't know the process, so I  
23 don't know.

24 Q. And do you see anything on the face of  
25 this map, of these maps, that suggest that they

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2 could not have been drawn?

3 A. I wouldn't have an opinion. I don't  
4 know the criteria, so I don't know whether they  
5 could or not.

6 Q. Okay. And as you sit here today, can  
7 you think of any reason why you could not  
8 represent the 6th District that's depicted in  
9 these maps?

10 A. No.

11 Q. Okay. What e-mail address did you use  
12 during 2011, do you recall?

13 A. I used two of them. I used  
14 Bill@billJohnsonleads.com and  
15 Johnson@billjohnsonleads.com.

16 Q. And in our production I've seen e-mails  
17 with both of those addresses. So is it your  
18 understanding that in the document collection both  
19 of those were searched?

20 A. Oh, absolutely.

21 Q. Okay. Do you keep electronic  
22 calendars?

23 A. Do I keep an electronic calendar? Only  
24 an official calendar. I don't keep a personal  
25 calendar.

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2 Q. And did you keep a personal electronic  
3 calendar in 2011?

4 A. No. I only kept an official calendar.  
5 My scheduler maintained that.

6 Q. Okay. And we'd already discussed that  
7 you have sent text messages, iMessages, Blackberry  
8 Messenger, sort of whatever type your phone would  
9 use; is that correct?

10 MS. McKNIGHT: Objection; form.

11 You can answer.

12 A. Yes. You know, I'm an IT person, but I  
13 am the world's worst for adopting new technology,  
14 so I don't recall when I started texting.

15 Q. Okay.

16 A. I honestly don't recall.

17 Q. Do you know if your text message  
18 accounts were searched in response to the request  
19 for production in this case?

20 A. They were not.

21 Q. Do you keep paper files?

22 A. No.

23 Q. Do you ever take handwritten notes?

24 A. Very seldom.

25 Q. Okay. Do you ever keep handouts or

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2 printouts that you've received at meetings?

3 A. No, because it accumulates and I -- if  
4 they're official, I give them back to my official  
5 team. If they're political, they change so  
6 quickly I don't keep them.

7 Q. Did you ever keep a paper calendar or  
8 agenda?

9 A. No, not that I recall.

10 MS. LEE: Can we take five minutes, and  
11 then I may be done or close to done.

12 (A recess was taken.)

13 MS. LEE: Back on the record.

14 Q. I just have a few others. Do you,  
15 Congressman, keep any social media accounts?

16 A. I -- not personal, no.

17 Q. And do you ever see the posts on your  
18 official social media?

19 A. Yes.

20 Q. Do you know if you've ever had any  
21 posts on your social media regarding  
22 redistricting?

23 A. Certainly not on my official, because  
24 that would be a violation of the separation  
25 between official and political. No, not on my

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2 official.

3 Q. Okay. And do you have political or  
4 campaign-specific social media accounts?

5 A. I do.

6 Q. And do you know if you've ever had any  
7 posts on redistricting on those accounts?

8 A. I do not know --

9 Q. Okay.

10 A. -- but -- I don't think so, but I don't  
11 know.

12 Q. Okay. And do you generally oversee the  
13 posts on your accounts?

14 A. Yes.

15 Q. Okay. I just wanted to mark a couple  
16 more things.

17 MS. LEE: I'll have marked as Exhibit  
18 27 and please hand to the witness.

19 - - - - -

20 Thereupon, Plaintiff's Exhibit 27 is  
21 marked for purposes of identification.

22 - - - - -

23 Q. This is the cover e-mail, I believe,  
24 that conveyed Exhibit 12 to you.

25 A. Let me find -- got you.

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2 Q. Okay. Does this at all refresh your  
3 recollection of having reviewed this memorandum?

4 A. I'm sorry. Your question again?

5 Q. So the cover e-mail from Matt Dole  
6 indicates it was sent both to you and Mark Weaver.  
7 Does this refresh your recollection of having  
8 reviewed the underlying memorandum?

9 MS. McKNIGHT: Objection; form.

10 You may answer.

11 A. Okay. Let me read from the bottom up  
12 here and see what I'm talking about.

13 Q. Sure.

14 A. Okay. Now your question? I'm sorry.

15 Q. Does this refresh your recollection of  
16 having reviewed the redistricting hearings memo?

17 MS. McKNIGHT: Objection; form.

18 You may answer.

19 A. If it was attached to this e-mail, I  
20 would have reviewed it.

21 Q. Okay. But you don't recall necessarily  
22 having reviewed it?

23 A. No.

24 MS. LEE: Okay. And I'd like to have  
25 the court reporter please mark as Exhibit 28.

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2 - - - - -

3 Thereupon, Plaintiff's Exhibit 28 is  
4 marked for purposes of identification.

5 - - - - -

6 Q. Do you recognize this document?

7 A. It is a document from Mark Weaver  
8 or -- well, I write something on December 1st,  
9 2011, and then Mark Weaver responds.

10 Q. Okay. And the initial e-mail appears  
11 to be Mark Weaver sending along a news article,  
12 and then your December 1st, 2011, response  
13 indicates, "According to LaTourette, this is not  
14 true."

15 And I assume -- is that referring to  
16 Steve LaTourette, who was Dean of the  
17 delegation at that time?

18 A. Steve LaTourette, yes.

19 Q. Okay. And then states, "Apparently the  
20 GOP is doing some jockeying to confuse the issue  
21 and make it" - excuse me - "and make it even more  
22 difficult for the Dems to get their signatures for  
23 the referendum."

24 What did you mean by that?

25 A. I don't recall. I mean, obviously I

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2 wrote it, but I don't recall at the time which GOP  
3 I'm talking about and I don't -- without having  
4 the article in front of me, I don't know what I  
5 was referring to.

6 Q. Okay. Do you have an  
7 understanding -- scratch that.

8 Earlier you had discussed when the  
9 primary was going to be set. Do you recall that?

10 A. Right, because it differs in  
11 presidential election cycles versus the off-year  
12 election cycles.

13 Q. Do you have any recollection of the  
14 date of the federal primary being changed in the  
15 same legislation as the Congressional  
16 redistricting?

17 A. I know it changed. I don't know if it  
18 changed in the same legislation.

19 Q. Okay. Do you have any understanding of  
20 what referendum you were referring to here in this  
21 e-mail?

22 A. No.

23 Q. Okay.

24 A. I mean, I knew it was a referendum  
25 regarding the redistricting process, because it



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2 was going through the Supreme Court, the Ohio  
3 Supreme Court --

4 Q. Okay.

5 A. -- but I don't know the context of it.

6 MS. LEE: Okay. Thank you for your  
7 time, Congressman. I have nothing further.

8 MS. McKNIGHT: Thank you, Counsel. We  
9 have no further questions.

10 We would like to designate this  
11 transcript as confidential pursuant to the  
12 governing protective order and we'll leave it at  
13 time.

14 MS. LEE: Read and sign?

15 MS. McKNIGHT: Yes. We would like to  
16 read and sign. Thank you.

17 THE REPORTER: And you are ordering at  
18 this time?

19 MS. LEE: Yes.

20 THE REPORTER: Now, are you ordering a  
21 copy of the transcript at this time?

22 MS. McKNIGHT: Yes.

23 THE REPORTER: Counsel on the phone, do  
24 you wish to order a copy at this time?

25 MS. RIGGINS: Yes, please. Ogletree

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2 has a standing order.

3 THE REPORTER: I just wanted to check  
4 that. Thank you.

5 (Signature was not waived.)

6 - - - - -

7 (Thereupon, the foregoing proceedings  
8 concluded at 11:25 a.m.)

9 - - - - -

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1 I, William Johnson, do hereby certify  
2 that the foregoing is a true and accurate  
3 transcription of my testimony.  
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William Johnson

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1 State of Ohio : C E R T I F I C A T E  
2 County of Franklin : SS

3 I, Reva Chafin Mundy, a Notary Public  
4 in and for the State of Ohio, do hereby certify  
5 the within named Congressman William Johnson, was  
6 by me first duly sworn to testify to the whole  
7 truth in the cause aforesaid; testimony then given  
8 was by me reduced to stenotypy in the presence of  
9 said witness, afterwards transcribed by me; the  
10 foregoing is a true record of the testimony so  
11 given; and this deposition was taken at the time  
12 and place as specified on the title page.

13 I do further certify I am not a  
14 relative, employee or attorney of any of the  
15 parties hereto, and further I am not a relative or  
16 employee of any attorney or counsel employed by  
17 the parties hereto, or financially interested in  
18 the action.

19 IN WITNESS WHEREOF, I have hereunto set  
20 my hand and affixed my seal of office at Columbus,  
21 Ohio, on this 31st day of December, 2018.

22 \_\_\_\_\_  
23 REVA CHAFIN MUNDY, RPR, RMR, CRR  
24 NOTARY PUBLIC, STATE OF OHIO  
25

My commission expires on 01-21-2021.

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ERRATA SHEET

PLEASE DO NOT WRITE ON THE TRANSCRIPT

Any changes to the transcript in form or substance should be entered upon this errata sheet.

Case Name: Ohio A. Philip Randolph Institute, et al. v. Ryan Smith, et al.

Deposition Date: December 19, 2018

Deponent: William Johnson

<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>	<u>REASON</u>
Page 8	Line 25	Remove stray period	
Page 20	Line 25	Remove stray period	
Page 22	Line 25	Remove stray period	
Page 25	Line 25	Remove stray period	
Page 78	Line 12	Change "DCCC" to "DCC"	
Page 92	Line 7	Change "PBI" to "PVI"	
Page 94	Line 6	Change "Have not had" to "not have had"	
Page 112	Line 5	Change "PBI" to "PVI"	
Page 114	Line 14	Change "bleed" to "plead"	

Date: 1/30/19

Signature: William Johnson  
William Johnson

Subscribed and sworn before me this 30th day of January, 2019.

[Signature]  
Notary Public

My Commission Expires: 07/31/2023

